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109TH CONGRESS
2^D SESSION

S. 2010**[Report No. 109–337]**

To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2005

Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, Mr. KOHL, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. SCHUMER, Mr. SANTORUM, Mrs. CLINTON, Mr. BUNNING, Mr. PRYOR, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. ENZI, Ms. COLLINS, Ms. SNOWE, Ms. STABENOW, Mr. BINGAMAN, Mrs. BOXER, Mr. BAYH, Mr. ROCKEFELLER, Ms. MURKOWSKI, Mr. SALAZAR, Mr. NELSON of Florida, Mr. JOHNSON, Mr. MENENDEZ, Mr. REED, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Finance

SEPTEMBER 19, 2006

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Elder Justice Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Sec. 101. Amendment to the Social Security Act.
- Sec. 102. Supporting the long-term care ombudsman program.
- Sec. 103. Adult protective services functions and grant programs.
- Sec. 104. Assuring safety of residents when nursing facilities close.
- Sec. 105. National nurse aide registry.
- Sec. 106. Background checks on direct access employees of long-term care facilities or providers.

TITLE II—DEPARTMENT OF JUSTICE

- Sec. 201. Model State laws and practices.
- Sec. 202. Office of Elder Justice of the Department of Justice.
- Sec. 203. Victim advocacy grants.
- Sec. 204. Supporting local prosecutors in elder justice matters.
- Sec. 205. Supporting state prosecutors in elder justice matters.
- Sec. 206. Increased support for federal cases involving elder justice.
- Sec. 207. Supporting law enforcement in elder justice matters.
- Sec. 208. Evaluations.

TITLE III—TAX PROVISIONS

- Sec. 301. Long-term care facility worker employment tax credit.

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

10 (1) The proportion of the United States popu-
 11 lation age 60 years or older will drastically increase
 12 in the next 30 years as 77,000,000 baby boomers
 13 approach retirement and old age.

1 (2) Each year, anywhere between 500,000 and
2 5,000,000 elders in the United States are abused,
3 neglected, or exploited.

4 (3) Elder abuse, neglect, and exploitation have
5 no boundaries, and cross all racial, social class, gen-
6 der, and geographic lines.

7 (4) Victims of elder abuse, neglect, and exploi-
8 tation are not only subject to injury from mistreat-
9 ment and neglect, they are also 3.1 times more likely
10 to die at an earlier age than expected than elders
11 who were not victims of elder abuse, neglect, and ex-
12 ploitation.

13 (5) There is a general dearth of data as to the
14 nature and scope of elder abuse, neglect, and exploi-
15 tation.

16 (6) Despite the dearth of data in the field, ex-
17 perts agree that most cases of elder abuse, neglect,
18 and exploitation are never reported and that abuse
19 and neglect shorten a victim's life, often triggering
20 a downward spiral of an otherwise productive, self-
21 sufficient elder's life. Programs addressing other dif-
22 ficult issues such as domestic violence and child
23 abuse and neglect have demonstrated the need for a
24 multi-faceted law combining public health, social
25 service, and law enforcement approaches.

1 (7) For over 20 years, Congress has been pre-
2 sented with facts and testimony calling for a coordi-
3 nated Federal effort to combat elder abuse, neglect,
4 and exploitation.

5 (8) The Federal Government has been slow to
6 respond to the needs of victims of elder abuse, ne-
7 glect, and exploitation or to undertake prevention ef-
8 forts.

9 (9) No Federal law has been enacted that ade-
10 quately and comprehensively addresses the issues of
11 elder abuse, neglect, and exploitation and there are
12 very limited resources available to those in the field
13 directly dealing with these issues.

14 (10) Differences in State laws and practices in
15 the areas of elder abuse, neglect, and exploitation
16 lead to significant disparities in prevention, protec-
17 tive and social services, treatment systems, and law
18 enforcement, and lead to other inequities.

19 (11) The Federal Government has played an
20 important role in promoting research, training, pub-
21 lic safety, data collection, the identification, develop-
22 ment, and dissemination of promising health care,
23 social, and protective services, and law enforcement
24 practices relating to child abuse and neglect, domes-
25 tic violence, and violence against women. The Fed-

1 eral Government should promote similar efforts and
2 protections relating to elder abuse, neglect, and ex-
3 ploitation.

4 (12) The Federal Government should provide
5 leadership and assist States and communities in
6 their efforts to protect elders in the United States
7 by—

8 (A) promoting coordinated planning among
9 all levels of government;

10 (B) generating and sharing knowledge rel-
11 evant to protecting elders;

12 (C) providing leadership to combat the
13 abuse, neglect, and exploitation of the Nation's
14 elders; and

15 (D) providing resources to States and com-
16 munities to promote elder justice.

17 (13) The problem of elder abuse, neglect, and
18 exploitation requires a comprehensive approach
19 that—

20 (A) integrates the work of health, legal,
21 and social service agencies and organizations;

22 (B) emphasizes the need for prevention, re-
23 porting, investigation, assessment, treatment,
24 and prosecution of elder abuse, neglect, and ex-
25 ploitation at all levels of government;

1 (C) ensures that sufficient numbers of
2 properly trained personnel with specialized
3 knowledge are in place to treat, assess, and pro-
4 vide services relating to elder abuse, neglect,
5 and exploitation, and carry out elder and vul-
6 nerable adult protection duties;

7 (D) is sensitive to ethnic and cultural di-
8 versity;

9 (E) recognizes the role of mental health,
10 disability, dementia, substance abuse, medica-
11 tion mismanagement, and family dysfunction
12 problems in increasing and exacerbating elder
13 abuse, neglect, and exploitation; and

14 (F) balances adults' right to self-deter-
15 mination with society's responsibility to protect
16 elders and vulnerable adults.

17 (14) The human, social, and economic cost of
18 elder abuse, neglect, and exploitation is high and in-
19 cludes unnecessary expenditures of medicare and
20 medicaid funds.

21 (15) The failure to coordinate activities relating
22 to, and comprehensively prevent and treat, elder
23 abuse, neglect, and exploitation threatens the future
24 and well-being of millions of elders in the United
25 States.

1 (16) All elements of society in the United
2 States have a shared responsibility in responding to
3 the national problem of elder abuse, neglect, and ex-
4 ploitation.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are as follows:

7 (1) To bring a comprehensive approach to pre-
8 venting and combating elder abuse, neglect, and ex-
9 ploitation, a long invisible problem that afflicts the
10 most vulnerable among the aging population of the
11 United States.

12 (2) To raise the issue of elder abuse, neglect,
13 and exploitation to national attention, and to create
14 the infrastructure at the Federal, State, and local
15 levels to ensure that individuals and organizations
16 on the front lines who are fighting elder abuse, ne-
17 glect, and exploitation with scarce resources and
18 fragmented systems have the resources and informa-
19 tion needed to carry out their fight.

20 (3) To bring a comprehensive multi-disciplinary
21 approach to elder justice.

22 (4) To set in motion research and data collec-
23 tion to fill gaps in knowledge about elder abuse, ne-
24 glect, and exploitation.

1 (5) To supplement the activities of service pro-
2 viders and programs, to enhance training, and to le-
3 verage scarce resources efficiently to ensure that
4 elder justice receives the attention it deserves as the
5 Nation's population ages.

6 (6) To examine the many different laws and
7 practices relating to elder justice in different States
8 and jurisdictions to ascertain which among those
9 laws and practices are the most effective.

10 (7) To promote the development of an effective
11 adult fiduciary system, including an adult guardian-
12 ship system, that protects individuals with dimin-
13 ished capacity, maximizes their autonomy, and devel-
14 ops effective resources and an elder rights system.

15 (8) To recognize and address the role of mental
16 health, disability, dementia, substance abuse, medi-
17 cation mismanagement, and family dysfunction prob-
18 lems in increasing and exacerbating elder abuse, ne-
19 glect, and exploitation.

20 (9) To create a short- and long-term strategie
21 plan for the development and coordination of elder
22 justice research, programs, studies, training, and
23 other efforts nationwide.

1 (10) To promote collaborative efforts and di-
 2 minish overlap and gaps in efforts in developing the
 3 important field of elder justice.

4 **TITLE I—DEPARTMENT OF**
 5 **HEALTH AND HUMAN SERVICES**

6 **SEC. 101. AMENDMENT TO THE SOCIAL SECURITY ACT.**

7 The Social Security Act (42 U.S.C. 301 et seq.) is
 8 amended by adding at the end the following:

9 **“TITLE XXII—ELDER JUSTICE**

10 **“SEC. 2201. DEFINITIONS.**

11 “In this title:

12 “(1) ABUSE.—The term ‘abuse’ means the
 13 knowing infliction of physical or psychological harm
 14 or the knowing deprivation of goods or services that
 15 are necessary to meet essential needs or to avoid
 16 physical or psychological harm.

17 “(2) ADULT PROTECTIVE SERVICES.—The term
 18 ‘adult protective services’ means such services pro-
 19 vided to adults as the Secretary may specify and in-
 20 cludes services such as—

21 “(A) disseminating reports of adult abuse;
 22 neglect, or exploitation;

23 “(B) investigating the reports described in
 24 subparagraph (A);

1 ~~“(C) case planning, monitoring, evaluation,~~
 2 ~~and other case work and services; and~~

3 ~~“(D) providing, arranging for, or facili-~~
 4 ~~tating the provision of medical, social service,~~
 5 ~~economic, legal, housing, law enforcement, or~~
 6 ~~other protective, emergency, or support services.~~

7 ~~“(3) CAREGIVER.—The term ‘caregiver’ means~~
 8 ~~an individual who has the responsibility for the care~~
 9 ~~of an elder, either voluntarily, by contract, by receipt~~
 10 ~~of payment for care, or as a result of the operation~~
 11 ~~of law and includes a family member or other indi-~~
 12 ~~vidual who provides (on behalf of such individual or~~
 13 ~~of a public or private agency, organization, or insti-~~
 14 ~~tution) compensated or uncompensated care to an~~
 15 ~~elder who needs supportive services in any setting.~~

16 ~~“(4) DIRECT CARE.—The term ‘direct care’~~
 17 ~~means care by a caregiver who provides assistance or~~
 18 ~~long-term care services to a recipient.~~

19 ~~“(5) ELDER.—The term ‘elder’ means an indi-~~
 20 ~~vidual age 60 or older.~~

21 ~~“(6) ELDER JUSTICE.—The term ‘elder justice’~~
 22 ~~means—~~

23 ~~“(A) from a societal perspective, efforts to~~
 24 ~~prevent, detect, treat, intervene in, and pros-~~
 25 ~~ecute elder abuse, neglect, and exploitation and~~

1 to protect elders with diminished capacity while
2 maximizing their autonomy; and

3 “(B) from an individual perspective, the
4 recognition of an elder’s rights, including the
5 right to be free of abuse, neglect, and exploi-
6 tation.

7 “(7) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means a State or local government agency, In-
9 dian tribe, or any other public or private entity that
10 is engaged in and has expertise in issues relating to
11 elder justice or in a field necessary to promote elder
12 justice efforts.

13 “(8) EXPLOITATION.—The term ‘exploitation’
14 means the fraudulent or otherwise illegal, unauthor-
15 ized, or improper act or process of an individual, in-
16 cluding a caregiver or fiduciary, that uses the re-
17 sources of an elder for monetary or personal benefit,
18 profit, or gain, or that results in depriving an elder
19 of rightful access to, or use of, benefits, resources,
20 belongings, or assets.

21 “(9) FIDUCIARY.—The term ‘fiduciary’—

22 “(A) means a person or entity with the
23 legal responsibility—

24 “(i) to make decisions on behalf of
25 and for the benefit of another person; and

1 “(ii) to act in good faith and with
2 fairness; and

3 “(B) includes a trustee, a guardian, a con-
4 servator, an executor, an agent under a finan-
5 cial power of attorney or health care power of
6 attorney, or a representative payee.

7 “(10) GRANT.—The term ‘grant’ includes a
8 contract, cooperative agreement, or other mechanism
9 for providing financial assistance.

10 “(11) GRANTING AUTHORITY.—The term
11 ‘granting authority’ means the Secretary, the Attor-
12 ney General, or the Secretary and the Attorney Gen-
13 eral jointly, as appropriate.

14 “(12) GUARDIANSHIP.—The term ‘guardian-
15 ship’ means—

16 “(A) the process by which a State court
17 determines that an adult individual lacks capac-
18 ity to make decisions about self-care and prop-
19 erty, and appoints another individual or entity
20 known as a guardian, as a conservator, or by a
21 similar term, as surrogate decision maker;

22 “(B) the manner in which the court-ap-
23 pointed surrogate carries out duties to the indi-
24 vidual and the court; or

1 “(C) the manner in which the court exer-
2 eises oversight of the surrogate.

3 “(13) INDIAN.—The term ‘Indian’ means a per-
4 son who is a member of an Indian tribe.

5 “(14) INDIAN TRIBE.—The term ‘Indian tribe’
6 means any Indian tribe, band, nation, or other orga-
7 nized group or community, including any Alaska Na-
8 tive village or regional corporation as defined in or
9 established pursuant to the Alaska Native Claims
10 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-
11 ognized as eligible for the special programs and serv-
12 ices provided by the United States to Indians be-
13 cause of their status as Indians.

14 “(15) KNOWINGLY.—The term ‘knowingly’ has
15 the meaning given such term in section 3729(b) of
16 title 31, United States Code.

17 “(16) LAW ENFORCEMENT.—The term ‘law en-
18 forcement’ means the full range of potential re-
19 sponders to elder abuse, neglect, and exploitation in-
20 cluding—

21 “(A) police, sheriffs, detectives, public safe-
22 ty officers, and corrections personnel;

23 “(B) prosecutors;

24 “(C) medical examiners;

25 “(D) investigators; and

1 ~~“(E) coroners.~~

2 ~~“(17) LONG-TERM CARE.—~~

3 ~~“(A) IN GENERAL.—The term ‘long-term~~
 4 ~~care’ means supportive and health services spec-~~
 5 ~~ified by the Secretary for individuals who need~~
 6 ~~assistance because the individuals have a loss of~~
 7 ~~capacity for self-care due to illness, disability,~~
 8 ~~or vulnerability.~~

9 ~~“(B) LOSS OF CAPACITY FOR SELF-~~
 10 ~~CARE.—For purposes of subparagraph (A), the~~
 11 ~~term ‘loss of capacity for self-care’ means an in-~~
 12 ~~ability to engage in activities of daily living, in-~~
 13 ~~cluding eating, dressing, bathing, and manage-~~
 14 ~~ment of one’s financial affairs.~~

15 ~~“(18) LONG-TERM CARE FACILITY.—The term~~
 16 ~~‘long-term care facility’ means a residential care pro-~~
 17 ~~vider that arranges for, or directly provides, long-~~
 18 ~~term care.~~

19 ~~“(19) NEGLECT.—The term ‘neglect’ means—~~

20 ~~“(A) the failure of a caregiver or fiduciary~~
 21 ~~to provide the goods or services that are nec-~~
 22 ~~essary to maintain the health or safety of an~~
 23 ~~elder; or~~

24 ~~“(B) self-neglect.~~

1 “(20) NURSING FACILITY.—The term ‘nursing
2 facility’ has the meaning given such term under sec-
3 tion 1919(a).

4 “(21) SELF-NEGLECT.—The term ‘self-neglect’
5 means an adult’s inability, due to physical or mental
6 impairment or diminished capacity, to perform es-
7 sential self-care tasks including—

8 “(A) obtaining essential food, clothing,
9 shelter, and medical care;

10 “(B) obtaining goods and services nec-
11 essary to maintain physical health, mental
12 health, or general safety; or

13 “(C) managing one’s own financial affairs.

14 “(22) SERIOUS BODILY INJURY.—

15 “(A) IN GENERAL.—The term ‘serious
16 bodily injury’ means an injury—

17 “(i) involving extreme physical pain;

18 “(ii) involving substantial risk of
19 death;

20 “(iii) involving protracted loss or im-
21 pairment of the function of a bodily mem-
22 ber, organ, or mental faculty; or

23 “(iv) requiring medical intervention
24 such as surgery, hospitalization, or phys-
25 ical rehabilitation.

1 “(B) ~~CRIMINAL SEXUAL ABUSE.~~—Serious
 2 bodily injury shall be considered to have oc-
 3 curred if the conduct causing the injury is con-
 4 duct constituting aggravated sexual abuse
 5 under section 2241, or sexual abuse under sec-
 6 tion 2242, of title 18, United States Code, or
 7 any similar offense under State law.

8 “(23) ~~SOCIAL.~~—The term ‘social’, when used
 9 with respect to a service, includes adult protective
 10 services.

11 “(24) ~~STATE.~~—The term ‘State’ means any of
 12 the several States, the District of Columbia, the
 13 Commonwealth of Puerto Rico, the United States,
 14 the Virgin Islands, Guam, American Samoa, and the
 15 Commonwealth of the Mariana Islands.

16 “(25) ~~STATE LONG-TERM CARE OMBUDSMAN.~~—
 17 The term ‘State Long-Term Care Ombudsman’
 18 means the State Long-Term Care Ombudsman de-
 19 scribed in section 712(a)(2) of the Older Americans
 20 Act of 1965.

21 “(26) ~~UNDERSERVED POPULATION.~~—The term
 22 ‘underserved population’ means the population of an
 23 area designated by the Secretary as an area with a
 24 shortage of elder justice programs or a population
 25 group designated by the Secretary as having a short-

age of such programs. Such areas or groups designated by the Secretary may include—

“(A) areas or groups that are geographically isolated (such as isolated in a rural area);

“(B) racial and ethnic minority populations; and

“(C) populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).

“Subtitle A—Federal Elder Justice System

“SEC. 2211. OFFICE OF ELDER JUSTICE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

“(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services under the Assistant Secretary for Aging an Office of Elder Justice.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The President, with the advice and consent of the Senate, shall appoint a Director of the Office of Elder Justice, from among individuals with experience and expertise in elder justice issues, to manage the Office of Elder Justice established under this section.

“(2) DUTIES.—The Director of the Office of Elder Justice shall—

1 “(A)(i) develop objectives, priorities, poli-
2 cies, and a long-term plan for elder justice pro-
3 grams and activities relating to prevention, de-
4 tection, training, treatment, evaluation, inter-
5 vention, research, and improvement of the elder
6 justice system in the United States;

7 “(ii) implement the overall policies and a
8 strategy to carry out the plan described in
9 clause (i); and

10 “(iii) hire personnel to assist the director
11 in carrying out the policies, programs, and ad-
12 ministrative activities related to the duties
13 under clauses (i) and (ii); and

14 “(B) provide advice to the Secretary on
15 elder justice issues.

16 “(3) REPORTING RELATIONSHIP.—The Director
17 of the Office of Elder Justice shall report to the As-
18 sistant Secretary for Aging.

19 “(4) COMPENSATION.—The Director shall be
20 compensated at a rate that shall not exceed the rate
21 established for level I of the Executive Schedule
22 under section 5312 of title 5, United States Code.

1 ~~“SEC. 2212. ELDER JUSTICE COORDINATING COUNCIL.~~

2 ~~“(a) ESTABLISHMENT.—There is established within~~
 3 ~~the Office of the Secretary an Elder Justice Coordinating~~
 4 ~~Council (in this section referred to as the ‘Council’).~~

5 ~~“(b) MEMBERSHIP.—~~

6 ~~“(1) IN GENERAL.—The Council shall be com-~~
 7 ~~posed of the following members:~~

8 ~~“(A) The Secretary (or the Secretary’s~~
 9 ~~designee).~~

10 ~~“(B) The Attorney General (or the Attor-~~
 11 ~~ney General’s designee).~~

12 ~~“(C) The head of each Federal department~~
 13 ~~or agency or other governmental entity identi-~~
 14 ~~fied by the Co-Chairs referred to in subsection~~
 15 ~~(d) as having responsibilities or administering~~
 16 ~~programs relating to elder abuse, neglect, and~~
 17 ~~exploitation.~~

18 ~~“(2) REQUIREMENT.—Each member of the~~
 19 ~~Council shall be an officer or employee of the Fed-~~
 20 ~~eral Government.~~

21 ~~“(c) VACANCIES.—Any vacancy in the Council shall~~
 22 ~~not affect its powers, but shall be filled in the same man-~~
 23 ~~ner as the original appointment was made.~~

24 ~~“(d) CO-CHAIRS.—The members described in sub-~~
 25 ~~paragraphs (A) and (B) of subsection (b)(1) shall be Co-~~
 26 ~~Chairs of the Council.~~

1 ~~“(e) MEETINGS.—The Council shall meet at least 2~~
 2 times per year, as determined by the Co-Chairs.

3 ~~“(f) DUTIES.—~~

4 ~~“(1) IN GENERAL.—The Council shall make~~
 5 recommendations to the Secretary and the Attorney
 6 General for the coordination of activities of the De-
 7 partment of Health and Human Services, the De-
 8 partment of Justice, and other relevant Federal,
 9 State, local, and private agencies and entities, relat-
 10 ing to elder abuse, neglect, and exploitation and
 11 other crimes against elders.

12 ~~“(2) REPORT.—Not later than the date that is~~
 13 2 years after the date of enactment of the Elder
 14 Justice Act and every 2 years thereafter, the Council
 15 shall submit to Congress a report that—

16 ~~“(A) describes the activities of, accomplish-~~
 17 ments of, and challenges faced by—

18 ~~“(i) the Council; and~~

19 ~~“(ii) the entities represented on the~~
 20 Council; and

21 ~~“(B) makes such recommendations for leg-~~
 22 islation, model laws, or other action as the
 23 Council determines to be appropriate.

24 ~~“(g) POWERS OF THE COUNCIL.—~~

1 “(1) INFORMATION FROM FEDERAL AGEN-
2 CHES.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), the Council may secure directly from
5 any Federal department or agency such infor-
6 mation as the Council considers necessary to
7 carry out this section. Upon request of the Co-
8 Chairs of the Council, the head of such depart-
9 ment or agency shall furnish such information
10 to the Council.

11 “(B) PROTECTION OF PRIVACY.—The Sec-
12 retary shall oversee the activities of the Council
13 under this paragraph in order to ensure the
14 protection of individual health privacy con-
15 sistent with the regulations promulgated under
16 section 264(e) of the Health Insurance Port-
17 ability and Accountability Act of 1996 and
18 State and local privacy regulations (as applica-
19 ble).

20 “(2) POSTAL SERVICES.—The Council may use
21 the United States mails in the same manner and
22 under the same conditions as other departments and
23 agencies of the Federal Government.

24 “(h) TRAVEL EXPENSES.—The members of the
25 Council shall not receive compensation for the perform-

1 ance of services for the Council. The members shall be
 2 allowed travel expenses, including per diem in lieu of sub-
 3 sistence, at rates authorized for employees of agencies
 4 under subchapter 1 of chapter 57 of title 5, United States
 5 Code, while away from their homes or regular places of
 6 business in the performance of services for the Council.
 7 Notwithstanding section 1342 of title 31, United States
 8 Code, the Secretary may accept the voluntary and uncom-
 9 pensated services of the members of the Council.

10 “(i) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any
 11 Federal Government employee may be detailed to the
 12 Council without reimbursement, and such detail shall be
 13 without interruption or loss of civil service status or privi-
 14 lege.

15 **“SEC. 2213. ADVISORY BOARD ON ELDER ABUSE, NEGLECT,**
 16 **AND EXPLOITATION.**

17 “(a) **ESTABLISHMENT.**—There is established a board
 18 to be known as the ‘Advisory Board on Elder Abuse, Ne-
 19 glect, and Exploitation’ (in this section referred to as the
 20 ‘advisory board’) to create a short- and long-term multi-
 21 disciplinary strategic plan for the development of the field
 22 of elder justice, and to make recommendations to the Sec-
 23 retary, the Attorney General, and the Elder Justice Co-
 24 ordinating Council established under section 2212.

1 “(b) SOLICITATION OF NOMINATIONS.—The Sec-
2 retary shall publish a notice in the Federal Register solie-
3 iting nominations for the appointment of members of the
4 advisory board under subsection (c).

5 “(c) COMPOSITION.—The advisory board shall be
6 composed of 27 members appointed by the Secretary from
7 the general public who are individuals with experience and
8 expertise in elder abuse, neglect, and exploitation preven-
9 tion, intervention, treatment, detection, or prosecution.

10 “(d) VACANCIES.—

11 “(1) IN GENERAL.—Any vacancy in the Advi-
12 sory Board shall not affect its powers, but shall be
13 filled in the same manner as the original appoint-
14 ment was made.

15 “(2) FILLING UNEXPIRED TERM.—An indi-
16 vidual chosen to fill a vacancy shall be appointed for
17 the unexpired term of the member replaced.

18 “(e) ELECTION OF OFFICERS.—The advisory board
19 shall elect a chairperson and vice chairperson from among
20 the members. The advisory board shall elect its initial
21 chairperson and vice chairperson at its initial meeting.

22 “(f) DUTIES.—Not later than 18 months after the
23 establishment of the advisory board under subsection (a),
24 and annually thereafter, the advisory board shall prepare
25 and submit to the Secretary, the Attorney General, and

1 the appropriate committees of Congress a report con-
2 taining—

3 “(1) information on the status of Federal,
4 State, and local public and private elder justice ac-
5 tivities;

6 “(2) recommendations (including recommended
7 priorities) regarding—

8 “(A) elder justice programs, research,
9 training, services, practice, enforcement, and
10 coordination;

11 “(B) coordination between entities pur-
12 suing elder justice efforts and those involved in
13 related areas that may inform or overlap with
14 elder justice efforts, such as activities to combat
15 violence against women and child abuse and ne-
16 glect; and

17 “(C) activities relating to adult fiduciary
18 systems, including guardianship and other fidu-
19 ciary arrangements, including the development
20 of State interdisciplinary guardianship commit-
21 tees;

22 “(3) recommendations for specific modifications
23 to Federal and State laws (including regulations) or
24 for programs, research, and training to enhance pre-
25 vention, detection, diagnosis, treatment, intervention

1 in, investigation, and prosecution of elder abuse, ne-
 2 glect, and exploitation;

3 “(4) recommendations for the most effective co-
 4 ordinated national data collection with respect to
 5 elder justice, and elder abuse, neglect, and exploi-
 6 tation; and

7 “(5) recommendations for a multidisciplinary
 8 strategic plan to guide the effective and efficient de-
 9 velopment of the elder justice area.

10 “(g) POWERS OF THE ADVISORY BOARD.—

11 “(1) INFORMATION FROM FEDERAL AGEN-
 12 CIES.—

13 “(A) IN GENERAL.—Subject to subpara-
 14 graph (B), the advisory board may secure di-
 15 rectly from any Federal department or agency
 16 such information as the advisory board con-
 17 siders necessary to carry out this section. Upon
 18 request of the chair, the head of such depart-
 19 ment or agency shall furnish such information
 20 to the advisory board.

21 “(B) PROTECTION OF PRIVACY.—The Sec-
 22 retary shall oversee the activities of the advisory
 23 board under this paragraph in order to ensure
 24 the protection of individual health privacy con-
 25 sistent with the regulations promulgated under

1 section 264(c) of the Health Insurance Port-
2 ability and Accountability Act of 1996 and
3 State and local privacy regulations (as applica-
4 ble).

5 “(2) SHARING OF DATA AND REPORTS.—The
6 advisory board may secure from any entity pursuing
7 elder justice activities under the Elder Justice Act or
8 an amendment made by that Act, any data, reports,
9 or recommendations generated in connection with
10 such activities.

11 “(3) POSTAL SERVICES.—The advisory board
12 may use the United States mails in the same man-
13 ner and under the same conditions as other depart-
14 ments and agencies of the Federal Government.

15 “(4) GIFTS.—The advisory board may accept,
16 use, and dispose of gifts or donations of services or
17 property.

18 “(h) TRAVEL EXPENSES.—The members of the advi-
19 sory board shall not receive compensation for the perform-
20 ance of services for the advisory board, but shall be al-
21 lowed travel expenses, including per diem in lieu of sub-
22 sistence, at rates authorized for employees of agencies
23 under subchapter I of chapter 57 of title 5, United States
24 Code, while away from their homes or regular places of
25 business in the performance of services for the advisory

1 board. Notwithstanding section 1342 of title 31, United
 2 States Code, the Secretary and the Attorney General may
 3 accept the voluntary and uncompensated services of the
 4 members of the advisory board.

5 “(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any
 6 Federal Government employee may be detailed to the advi-
 7 sory board without reimbursement, and such detail shall
 8 be without interruption or loss of civil service status or
 9 privilege.

10 “(j) STATUS AS PERMANENT ADVISORY COM-
 11 MITTEE.—Section 14 of the Federal Advisory Committee
 12 Act (5 U.S.C. App.) shall not apply to the advisory board.

13 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this sub-
 15 section—

16 “(1) \$6,000,000 for fiscal year 2007; and

17 “(2) \$7,500,000 for each of fiscal years 2008
 18 through 2013.

19 **“Subtitle B—Activities to Promote** 20 **Elder Justice**

21 **“SEC. 2221. DATA COLLECTION AND DISSEMINATION.**

22 “(a) ELDER JUSTICE RESOURCE CENTER.—

23 “(1) ESTABLISHMENT.—The Secretary, after
 24 consultation with the Attorney General, shall estab-
 25 lish within the Office of Elder Justice, an Elder Jus-

1 tice Resource Center (in this section referred to as
 2 the ‘Center’) to be the central repository for infor-
 3 mation regarding elder abuse, neglect, and exploi-
 4 tation.

5 “(2) DUTIES.—The Center shall—

6 “(A) develop the capacity and procedures
 7 to collect, maintain, and disseminate informa-
 8 tion relevant to consumers, families, providers,
 9 clinicians, advocates, regulators, law enforce-
 10 ment, policymakers, researchers, fiduciaries in-
 11 cluding guardians, judges, and lawyers, relevant
 12 to the prevention, detection, assessment, identi-
 13 fication, and treatment of, intervention in, and
 14 prosecution of, elder abuse, neglect, and exploi-
 15 tation;

16 “(B) provide, in a user-friendly manner,
 17 information on—

18 “(i) ways to promote autonomy in the
 19 face of aging or diminishing capacity and
 20 mobility;

21 “(ii) how to avoid becoming a victim
 22 of elder abuse, neglect, or exploitation; and

23 “(iii) advance planning and how to
 24 avoid the need for a fiduciary;

1 “(C) provide links and references to other
2 sources of information;

3 “(D) compile, analyze, and publish a sum-
4 mary of research conducted on elder abuse, ne-
5 glect, and exploitation and information on how
6 to obtain the original research materials;

7 “(E) solicit public comment and comment
8 from the advisory board established under sec-
9 tion 2213 on the activities of the Center;

10 “(F) establish a toll-free number for infor-
11 mation and referrals;

12 “(G) coordinate activities with resource
13 centers and clearinghouses on elder justice top-
14 ics; and

15 “(H) provide funding to public and private
16 agencies and entities to develop or continue the
17 efforts of specialized elder justice-related clear-
18 inghouses and information repositories; to be
19 linked to the Center; that address topics such
20 as those enumerated in subparagraphs (A) and
21 (B) and that provide effective services.

22 “(3) COORDINATION OF AVAILABLE RE-
23 SOURCES.—In establishing the Center under this
24 subsection the Secretary, after consultation with the
25 Attorney General, shall—

1 “(A) consult with other Federal agencies
2 that operate similar resource centers;

3 “(B) consult with private entities that op-
4 erate resource centers or clearinghouses on
5 elder justice-related topics;

6 “(C) consult with the head of each agency
7 participating in the Elder Justice Coordinating
8 Council established under section 2212, as well
9 as other agencies with clearinghouses com-
10 parable to the Center, such as clearinghouses
11 relating to child abuse and neglect, to deter-
12 mine the most efficient and effective manner for
13 collecting, maintaining, and disseminating in-
14 formation on elder abuse, neglect, and exploi-
15 tation; and

16 “(D) solicit public comment on the compo-
17 nents of such Center.

18 ~~“(4) NATIONAL ELDER JUSTICE LIBRARY.—~~

19 ~~“(A) ESTABLISHMENT.—The Secretary~~
20 ~~shall establish within the Center a National~~
21 ~~Elder Justice Library (in this paragraph re-~~
22 ~~ferred to as the ‘Library’) to serve as a central-~~
23 ~~ized repository for all types of appropriate ma-~~
24 ~~terials concerning training, technical assistance,~~

1 and promising practices relating to elder justice
2 including—

3 “(i) brochures and pamphlets;

4 “(ii) video and computer-based re-
5 sources;

6 “(iii) books; and

7 “(iv) training materials.

8 “(B) INDEX.—The Library shall create
9 and maintain an up-to-date index of the mate-
10 rials described in subparagraph (A) by title, au-
11 thor, date, subject, and type of material, and a
12 brief description of such materials. Such index
13 shall be available on the Internet as well as in
14 printed form in order to be easily accessible to
15 the general public.

16 “(C) AVAILABILITY.—The materials held
17 by the Library shall be available for copying by
18 individuals and entities nationwide and shall be
19 disseminated at a nominal or no fee. The mate-
20 rials shall be copied and disseminated in ac-
21 cordance with the applicable provisions of title
22 17, United States Code.

23 “(D) DUTIES.—

24 “(i) ADDITIONAL MATERIALS.—The
25 Library shall—

1 “(I) collect data on materials
2 that would be appropriate for such li-
3 brary;

4 “(II) make efforts to identify and
5 obtain appropriate materials; and

6 “(III) identify and obtain mate-
7 rials relating to effective methods of
8 conducting training and providing
9 technical assistance relating to elder
10 justice, including conducting training
11 and providing assistance for under-
12 served populations.

13 “(ii) INFORMATION PACKETS.—After
14 evaluating the materials described in this
15 paragraph, the Library shall compile and
16 develop information packets for use by
17 groups in various settings, including
18 groups who are underserved or have other
19 special needs. Such information packets
20 shall include information and materials on
21 training, technical assistance, and prom-
22 ising practices targeted at specific topics,
23 groups, and settings.

1 ~~“(5) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There are authorized to be appropriated to carry out
3 this subsection—

4 ~~“(A) \$4,000,000 for fiscal year 2007;~~

5 ~~“(B) \$5,000,000 for fiscal year 2008; and~~

6 ~~“(C) \$6,000,000 for each of fiscal years~~
7 ~~2009 through 2013.~~

8 ~~“(b) COLLECTION OF UNIFORM NATIONAL DATA ON~~
9 ~~ELDER ABUSE, NEGLECT, AND EXPLOITATION.—~~

10 ~~“(1) PURPOSE.—The purpose of this subsection~~
11 ~~is to improve, streamline, and promote uniform col-~~
12 ~~lection, maintenance, and dissemination of national~~
13 ~~data relating to elder abuse, neglect, and exploi-~~
14 ~~tation.~~

15 ~~“(2) PHASE I.—~~

16 ~~“(A) IN GENERAL.—Not later than 1 year~~
17 ~~after the date of enactment of the Elder Justice~~
18 ~~Act, the Director of the Centers for Disease~~
19 ~~Control and Prevention (in this subsection re-~~
20 ~~ferred to as the ‘Director’), after consultation~~
21 ~~with the Attorney General and working with ex-~~
22 ~~perts in relevant disciplines, shall—~~

23 ~~“(i) develop a method for collecting~~
24 ~~national data regarding elder abuse, ne-~~
25 ~~glect, and exploitation; and~~

1 “(ii) develop uniform national data re-
2 porting forms adapted to each relevant en-
3 tity or discipline (such as health, public
4 safety, social and protective services, and
5 law) reflecting—

6 “(I) the distinct manner in which
7 each discipline receives and maintains
8 information; and

9 “(II) the sequence and history of
10 reports to or involvement of different
11 disciplines, independently, or the se-
12 quence and history of reports from
13 one discipline to another over time.

14 “(B) FORMS.—The national data reporting
15 forms described in subparagraph (A)(ii) shall
16 incorporate the definitions of this title for use
17 in determining what is considered a reportable
18 event.

19 “(3) PHASE II.—

20 “(A) IN GENERAL.—Not later than 1 year
21 after the completion of the activities described
22 in paragraph (2), the Director shall ensure that
23 the national data reporting forms and data col-
24 lection methods developed in accordance with

1 such paragraph are pilot tested in 6 States de-
 2 termined by the Director.

3 “(B) ADJUSTMENTS TO THE FORM AND
 4 METHODS.—The Director, after considering the
 5 results of the pilot testing described in subpara-
 6 graph (A), and after consultation with the At-
 7 torney General and relevant experts shall adjust
 8 the national data reporting forms and data col-
 9 lection methods as necessary.

10 “(4) PHASE III.—

11 “(A) DISTRIBUTION OF NATIONAL DATA
 12 REPORTING FORMS.—After completion of the
 13 adjustment to the national data reporting forms
 14 under paragraph (3)(B), the Director shall sub-
 15 mit the national data reporting forms along
 16 with instructions to—

17 “(i) the heads of the relevant compo-
 18 nents of the Department of Health and
 19 Human Services, the Department of Jus-
 20 tice, and the Department of the Treasury,
 21 and such other Federal entities as may be
 22 appropriate; and

23 “(ii) the Governor’s office of each
 24 State for collection from all relevant State

entities of data, including health care, social services, and law enforcement data.

~~“(B) DATA COLLECTION GRANTS.—~~

~~“(i) AUTHORIZATION.—The Director is authorized to award grants to States to improve data collection activities relating to elder abuse, neglect, and exploitation.~~

~~“(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, a State shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.~~

~~“(iii) REQUIREMENTS.—Each State receiving a grant under this subparagraph for a fiscal year is required to report data for the calendar year that begins during that fiscal year, using the national data reporting forms described in subparagraph (A).~~

~~“(iv) FUNDING.—~~

~~“(I) FIRST YEAR.—For the first fiscal year in which a State receives grant funds under this subsection, the Secretary shall initially distribute 50~~

1 percent of such funds. The Secretary
 2 shall distribute the remaining funds at
 3 the end of the calendar year that be-
 4 gins during that fiscal year, if the
 5 Secretary determines that the State
 6 has properly reported data required
 7 under this subsection for the calendar
 8 year.

9 “(H) SUBSEQUENT YEARS.—Ex-
 10 cept as provided in subclause (I), the
 11 Secretary shall distribute grant funds
 12 to a State under this subsection for a
 13 fiscal year if the Secretary determines
 14 that the State properly reported data
 15 required under this subsection for the
 16 calendar year that ends during that
 17 fiscal year.

18 “(C) REQUIRED INFORMATION.—Each re-
 19 port submitted under this paragraph shall—

20 “(i) indicate the State and year in
 21 which each event occurred; and

22 “(ii) identify—

23 “(I) the total number of events
 24 that occurred in each State during the
 25 year; and

1 ~~“(H) the type of each event.~~

2 ~~“(5) REPORT.—Not later than 1 year after the~~
 3 ~~date of enactment of the Elder Justice Act and an-~~
 4 ~~nually thereafter, the Secretary shall prepare and~~
 5 ~~submit to the appropriate committees of Congress,~~
 6 ~~including to the Special Committee on Aging and~~
 7 ~~the Finance Committee of the Senate, a report re-~~
 8 ~~garding activities conducted under this section.~~

9 ~~“(6) AUTHORIZATION OF APPROPRIATIONS.—~~
 10 ~~There are authorized to be appropriated to carry out~~
 11 ~~this subsection—~~

12 ~~“(A) \$10,000,000 for fiscal year 2007;~~
 13 ~~“(B) \$30,000,000 for fiscal year 2008; and~~
 14 ~~“(C) \$100,000,000 for each of fiscal years~~
 15 ~~2009 through 2013.~~

16 ~~“SEC. 2222. ENHANCING RESEARCH AND TRAINING AND~~
 17 ~~STRENGTHENING SERVICES, SYSTEMS, AND~~
 18 ~~PREVENTION.~~

19 ~~“(a) GENERAL GRANTS AND CENTERS OF EXCEL-~~
 20 ~~LENCE.—~~

21 ~~“(1) GENERAL GRANTS.—The Secretary may~~
 22 ~~award grants to eligible entities for the prevention,~~
 23 ~~detection, assessment, and treatment of, intervention~~
 24 ~~in, investigation of, and prosecution of elder abuse,~~
 25 ~~neglect, and exploitation including—~~

1 “(A) physical, psychological, and emotional
2 abuse and neglect by family and other in-home
3 caregivers;

4 “(B) physical, psychological, and emotional
5 abuse and neglect of residents in institutional
6 and other residential care facilities;

7 “(C) elder sexual abuse;

8 “(D) domestic violence in later life;

9 “(E) financial fraud and exploitation; and

10 “(F) self-neglect.

11 “(2) CENTERS OF EXCELLENCE.—

12 “(A) GRANTS AUTHORIZED.—The Sec-
13 retary, through the Director of the National In-
14 stitute on Aging, and after consultation with
15 the Director of the Centers for Disease Control
16 and Prevention, the Director of the Office of
17 Elder Justice in the Department of Health and
18 Human Services, the Director of the Office of
19 Elder Justice in the Department of Justice, and
20 the members of the advisory board established
21 under section 2213, may award grants to insti-
22 tutions of higher education and other appro-
23 priate entities to establish 5 Centers of Excel-
24 lence nationwide that shall specialize in re-

1 search, clinical practice, and training relating to
2 elder abuse, neglect, and exploitation.

3 “(B) ~~AUTHORIZED ACTIVITIES.~~—The Cen-
4 ters of Excellence established with funds pro-
5 vided under subparagraph (A) shall conduct the
6 following activities:

7 “(i) ~~Examine potential issues relating~~
8 ~~to the protection of elders who are the sub-~~
9 ~~jects of research on elder abuse, neglect,~~
10 ~~and exploitation and provide guidance to~~
11 ~~other elder abuse, neglect, or exploitation~~
12 ~~researchers regarding human subjects, pro-~~
13 ~~tections, and the institutional or peer re-~~
14 ~~view boards at research institutions.~~

15 “(ii) ~~After consultation with the Di-~~
16 ~~rector of the National Institute on Aging,~~
17 ~~and the Director of the Office of Human~~
18 ~~Research Protections, develop and rec-~~
19 ~~ommend to the Secretary guidelines to as-~~
20 ~~sist the institutional or peer review boards~~
21 ~~in the review of research conducted under~~
22 ~~this title.~~

23 “(iii) ~~Coordinate activities, to the ex-~~
24 ~~tent feasible, among the Centers and with~~
25 ~~other researchers of elder abuse, neglect,~~

1 and exploitation and related areas, and
 2 designate 1 such Center to lead such co-
 3 ordination.

4 “(C) ~~ADDITIONAL ACTIVITIES.~~—The Cen-
 5 ters of Excellence established under subpara-
 6 graph (A) may conduct activities including the
 7 following:

8 “(i) Carrying out a study to deter-
 9 mine the national incidence and prevalence
 10 of elder abuse, neglect, and exploitation in
 11 all settings.

12 “(ii) Developing uniform, validated
 13 screening tools to assist individuals, fami-
 14 lies, practitioners, institutions, and com-
 15 munities in detecting ongoing or potential
 16 elder abuse, neglect, and exploitation. The
 17 tools that may be developed include—

18 “(I) a screening tool to determine
 19 whether a particular elder is at risk
 20 for becoming, or is, a victim of elder
 21 abuse, neglect, or exploitation;

22 “(II) a screening tool to measure
 23 whether caregivers are at risk of com-
 24 mitting elder abuse, neglect, or exploi-
 25 tation;

1 “(III) a screening tool to meas-
2 ure whether families are at risk for
3 elder abuse, neglect, and exploitation;
4 and

5 “(IV) a screening tool to assess
6 communities, evaluating how each in-
7 dividual agency or system relating to
8 elder abuse, neglect, or exploitation
9 operates in such a community and
10 how all of such agencies or systems
11 communicate and operate in relation-
12 ship to each other within such com-
13 munity.

14 “(iii) Carrying out various types of
15 intervention research.

16 “(iv) Identifying steps that can be
17 taken (and replicated) to make homes,
18 neighborhoods, communities, and facilities
19 safer for elders, and to enhance elders’
20 sense of security in all kinds of environ-
21 ments.

22 “(v) Researching successful fiduciary
23 practices and systems to enhance the well-
24 being of persons with diminished capacity.

1 “(D) COLLABORATION AND ACCESS TO
2 RECORDS.—In awarding a grant under this
3 paragraph the Secretary shall—

4 “(i) consider the potential for collabo-
5 ration among researchers and other rel-
6 evant entities, such as State agencies with
7 statutory responsibility for adult protective
8 services and State Long-Term Care Om-
9 budsmen, that receive reports of elder
10 abuse, neglect, and exploitation, but that
11 may be restricted from participating in re-
12 search as a result of State law, confiden-
13 tiality requirements, or other provisions;
14 and

15 “(ii) require that each institution of
16 higher education desiring a grant under
17 this subsection ensure that the researchers
18 working at such institution will have access
19 to records necessary to conduct research in
20 accordance with this paragraph.

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated for the pur-
23 pose of carrying out paragraphs (1) and (2) of this
24 subsection—

25 “(A) \$12,000,000 for fiscal year 2007;

1 “(B) \$20,000,000 for fiscal year 2008; and

2 “(C) \$25,000,000 for each of fiscal years

3 2009 through 2013.

4 “(b) SAFE HAVEN AND LEGAL ADVOCACY
5 GRANTS.—

6 “(1) SAFE HAVEN GRANTS.—

7 “(A) GRANTS AUTHORIZED.—The Sec-
8 retary may award grants to 6 diverse commu-
9 nities to examine various types of elder shelters
10 (in this paragraph referred to as ‘safe havens’)
11 and to test various models for establishing safe
12 havens at home or elsewhere.

13 “(B) AUTHORIZED ACTIVITIES.—Grant
14 funds awarded pursuant to subparagraph (A)
15 shall be used to establish safe havens that—

16 “(i) provide a comprehensive, cul-
17 turally sensitive, and multidisciplinary
18 team response to allegations of elder
19 abuse, neglect, or exploitation;

20 “(ii) provide a dedicated, elder-friend-
21 ly setting;

22 “(iii) have the capacity to meet the
23 needs of elders for care; and

24 “(iv) provide various services includ-
25 ing—

1 ~~“(I) nursing and forensic evalua-~~
 2 ~~tion;~~

3 ~~“(II) therapeutic intervention;~~

4 ~~“(III) victim support and advo-~~
 5 ~~cacy; and~~

6 ~~“(IV) case review and assistance~~
 7 ~~to make the elder safer at home or to~~
 8 ~~find appropriate placement in safer~~
 9 ~~environments, including shelters, and,~~
 10 ~~in some circumstances, long-term care~~
 11 ~~facilities, other residential care facili-~~
 12 ~~ties, and hospitals.~~

13 ~~“(2) LEGAL ADVOCACY GRANTS.—~~

14 ~~“(A) GRANTS AUTHORIZED.—The Sec-~~
 15 ~~retary, after consultation with the Attorney~~
 16 ~~General, may award grants—~~

17 ~~“(i) to study the need for community~~
 18 ~~resources in order to provide assistance for~~
 19 ~~legal and related services for victims of~~
 20 ~~elder abuse, neglect, or exploitation; and~~

21 ~~“(ii) to provide assistance for such~~
 22 ~~services by awarding grants for demonstra-~~
 23 ~~tion projects in diverse communities.~~

1 “(B) AUTHORIZED ACTIVITIES.—Grant
2 funds awarded pursuant to subparagraph (A)
3 shall be used to provide—

4 “(i) court-appointed advocates;

5 “(ii) authorized fiduciaries, including
6 public guardians;

7 “(iii) monitoring and oversight of fi-
8 duciaries;

9 “(iv) legal services; and

10 “(v) such other services as the Sec-
11 retary, after consultation with the Attorney
12 General, determines appropriate.

13 “(3) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to carry out
15 this subsection—

16 “(A) \$3,000,000 for fiscal year 2007;

17 “(B) \$4,000,000 for fiscal year 2008; and

18 “(C) \$5,000,000 for each of fiscal years
19 2009 through 2013.

20 “(e) GRANTS TO ENHANCE VOLUNTEER SERV-
21 ICES.—

22 “(1) GRANTS.—The Secretary, after consulta-
23 tion with the Attorney General, may award grants to
24 nonprofit organizations and faith-based organiza-
25 tions to encourage such organizations to establish or

1 continue volunteer programs that focus on the issues
 2 of elder abuse, neglect, and exploitation, or that pro-
 3 vide related services.

4 ~~“(2) AUTHORIZATION OF APPROPRIATIONS.—~~

5 There are authorized to be appropriated to carry out
 6 this subsection—

7 ~~“(A) \$1,500,000 for fiscal year 2007;~~

8 ~~“(B) \$2,000,000 for fiscal year 2008; and~~

9 ~~“(C) \$2,500,000 for each of fiscal years~~

10 ~~2009 through 2013.~~

11 ~~“(d) MULTIDISCIPLINARY EFFORTS.—~~

12 ~~“(1) GRANTS.—~~

13 ~~“(A) IN GENERAL.—~~The Secretary may
 14 award grants to fund various multidisciplinary
 15 elder justice activities, including the following:

16 ~~“(i) Supporting and studying team~~
 17 ~~approaches for bringing a coordinated mul-~~
 18 ~~tidisciplinary or interdisciplinary response~~
 19 ~~to elder abuse, neglect, and exploitation;~~
 20 ~~including a response from individuals in~~
 21 ~~social service, health care, public safety,~~
 22 ~~and legal disciplines.~~

23 ~~“(ii) Establishing State coordinating~~
 24 ~~councils modeled after the national Elder~~
 25 ~~Justice Coordinating Council established~~

1 under section 2212. Such State coordi-
2 nating councils shall identify the individual
3 States' needs and provide the national
4 Elder Justice Coordinating Council with
5 information and recommendations relating
6 to State efforts to combat elder abuse, ne-
7 glect, and exploitation.

8 “(iii) Providing training, technical as-
9 sistance, and other methods of support to
10 groups carrying out multidisciplinary ef-
11 forts at the State level (referred to in some
12 States as ‘State Working Groups’).

13 “(iv) Broadening and studying various
14 models for elder fatality and serious injury
15 review teams, to make recommendations
16 about their composition, protocols, func-
17 tions, timing, roles, and responsibilities,
18 with a goal of producing models and infor-
19 mation that will allow for replication based
20 on the needs of other States and commu-
21 nities.

22 “(v) Carrying out such other inter-
23 disciplinary or multidisciplinary efforts as
24 the Secretary determines to be appropriate.

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to carry out this paragraph, \$5,000,000
4 for each of fiscal years 2007 through 2013.

5 “(2) INTERDISCIPLINARY STUDY.—

6 “(A) IN GENERAL.—The Director of the
7 Centers for Disease Control and Prevention,
8 after consultation with the Director of the Of-
9 fice of Elder Justice in the Department of
10 Health and Human Services and the Director
11 of the Office of Elder Justice in the Depart-
12 ment of Justice, shall conduct an intensive
13 interdisciplinary study of entities that conduct
14 elder justice activities in several different com-
15 munities, examining how the entities address
16 elder abuse, neglect, and exploitation issues
17 (such as an assessment of various types of
18 health care and social service providers, public
19 safety agencies, law enforcement agencies, pros-
20 ecutor offices, and the judiciary).

21 “(B) GOAL.—The goals of the study de-
22 scribed in subparagraph (A) include—

23 “(i) making an assessment of the
24 functioning and effectiveness of each entity
25 in a community that conducts elder justice

activities; and the interdisciplinary communications and collaborations among such entities; and

“(ii) developing a procedure for communities to conduct a self-assessment to assist them in identifying the manner in which the entities described in clause (i) in such communities respond to elder justice issues; the needs of such communities relating to elder justice issues; and ways to improve the response systems of such communities for elder abuse, neglect, and exploitation.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

“(i) \$2,500,000 for fiscal year 2007;

“(ii) \$3,000,000 for fiscal year 2008;

and

“(iii) \$3,500,000 for each of fiscal years 2009 through 2013.

“(e) TRAINING GRANTS.—

“(1) GRANTS AUTHORIZED.—The Secretary may award grants to groups representing the targeted disciplines described in paragraph (2)(B) to

1 train individuals with respect to issues of elder
 2 abuse, neglect, and exploitation.

3 ~~“(2) AUTHORIZED ACTIVITIES.—~~

4 ~~“(A) IN GENERAL.—~~Grant funds awarded
 5 under paragraph (1) shall be used for training
 6 within a discipline as well as cross-training ac-
 7 tivities that permit individuals in multiple dis-
 8 ciplines to train together, fostering communica-
 9 tion, coordinating efforts, and ensuring collabo-
 10 ration.

11 ~~“(B) TARGETED DISCIPLINES.—~~Groups
 12 representing disciplines that will be targeted for
 13 training through grants awarded under para-
 14 graph (1) include—

15 ~~“(i) physicians, including geriatrici-~~
 16 ~~cians, medical residents, interns, and fel-~~
 17 ~~lows;~~

18 ~~“(ii) nurses and nurse’s aides, includ-~~
 19 ~~ing geriatric nurse practitioners, directors~~
 20 ~~of nursing, and Sexual Abuse Nurse Ex-~~
 21 ~~aminers (SANE) nurses;~~

22 ~~“(iii) social workers;~~

23 ~~“(iv) public health and safety profes-~~
 24 ~~sionals, including Emergency Medical Serv-~~
 25 ~~ices professionals;~~

1 “(v) therapists, including creative
2 arts, occupational, speech, and physical
3 therapists;

4 “(vi) State surveyors of nursing facili-
5 ties and other long-term care facilities;

6 “(vii) staff of long-term care facilities
7 or hospitals;

8 “(viii) coroners and funeral home op-
9 erators;

10 “(ix) Federal, State, and local offices
11 with responsibility for elder justice or long-
12 term care matters;

13 “(x) employees or contractors of State
14 and local agencies with responsibility for
15 training persons who provide adult protec-
16 tive services;

17 “(xi) State Long-Term Care Ombuds-
18 men;

19 “(xii) victim advocates and advocates
20 for elders and individuals with disabilities;

21 “(xiii) individuals involved in volun-
22 teer organizations (including faith-based
23 organizations) who are involved in issues of
24 elder abuse, neglect, and exploitation;

1 “(xiv) police officers, sheriffs, detec-
2 tives, firefighters, Federal and State inves-
3 tigators, public safety officers, and correc-
4 tions personnel;

5 “(xv) Federal, State, and local pros-
6 ecutors, attorneys in private practice in-
7 volved in elder justice issues, judges, and
8 court employees;

9 “(xvi) federally recognized partner-
10 ships of elders, sheriff departments, and
11 the American Association of Retired Per-
12 sons (commonly referred to as TRIADs);

13 “(xvii) elder service officers;

14 “(xviii) individuals who work with the
15 public, including bank personnel, postal
16 workers, utility workers, providers of
17 home-delivered meals, and others who may
18 work with elders;

19 “(xix) students in professional and
20 paraprofessional schools, internships, fel-
21 lowships, and other training programs in a
22 relevant profession;

23 “(xx) fiduciaries, including guardians,
24 conservators, and agents under powers of
25 attorney; and

1 ~~“(xxi) staff and volunteers of domestic~~
 2 ~~violence and child abuse and neglect pro-~~
 3 ~~grams.~~

4 ~~“(3) AUTHORIZATION OF APPROPRIATIONS.—~~
 5 ~~There are authorized to be appropriated to carry out~~
 6 ~~this subsection—~~

7 ~~“(A) \$10,000,000 for fiscal year 2007;~~

8 ~~“(B) \$15,000,000 for fiscal year 2008; and~~

9 ~~“(C) \$20,000,000 for each of fiscal years~~
 10 ~~2009 through 2013.~~

11 ~~“(f) INCREASING THE NUMBER OF HEALTH CARE~~
 12 ~~PROFESSIONALS WITH GERIATRIC TRAINING.—~~

13 ~~“(1) INCREASING THE NUMBER OF HEALTH~~
 14 ~~CARE PROFESSIONALS WITH GERIATRIC TRAINING.—~~

15 ~~“(A) IN GENERAL.—The Secretary shall~~
 16 ~~establish programs to increase—~~

17 ~~“(i) the number of health care profes-~~
 18 ~~sionals (including physicians, nurses, nurs-~~
 19 ~~ing personnel, social workers, and thera-~~
 20 ~~pists) and students in the health care pro-~~
 21 ~~fessions, who receive education and train-~~
 22 ~~ing related to geriatrics; and~~

23 ~~“(ii) the number of such professionals~~
 24 ~~who provide health care related to geri-~~
 25 ~~atrics.~~

1 ~~“(B) INCLUSION OF GERIATRIC SERVICES~~
2 ~~AS PART OF OBLIGATED SERVICE UNDER THE~~
3 ~~PUBLIC HEALTH SERVICE ACT.—For purposes~~
4 ~~of applying sections 338B and 338C of the~~
5 ~~Public Health Service Act (42 U.S.C. 254l,~~
6 ~~254m), the term ‘obligated service’ shall include~~
7 ~~any period during which an individual who has~~
8 ~~entered into a written contract with the Sec-~~
9 ~~retary under such section 338B (42 U.S.C.~~
10 ~~254l) is enrolled and participating in an accred-~~
11 ~~ited (as determined by the Secretary) edu-~~
12 ~~cational program that provides geriatric train-~~
13 ~~ing. Upon the completion of such training, the~~
14 ~~individual, after consultation with the Sec-~~
15 ~~retary, shall provide geriatric services as appro-~~
16 ~~priate during the remainder of the period of ob-~~
17 ~~ligated service of such individual.~~

18 ~~“(2) AUTHORIZATION OF APPROPRIATIONS.—~~

19 ~~There are authorized to be appropriated to carry out~~
20 ~~this subsection—~~

21 ~~“(A) \$2,500,000 for fiscal year 2007; and~~

22 ~~“(B) \$2,500,000 for each of fiscal years~~
23 ~~2008 through 2013.~~

24 ~~“(g) DEMENTIA TRAINING GRANTS.—~~

1 “(1) GRANTS AUTHORIZED.—The Secretary
 2 may award grants to eligible entities to provide
 3 training within the health and social science dis-
 4 ciplines, as well as cross-training activities that per-
 5 mit individuals in multiple such disciplines to train
 6 together, to foster communication, coordinate ef-
 7 forts, and ensure collaboration on best practices in
 8 caring for individuals with dementia.

9 “(2) AUTHORIZATION OF APPROPRIATIONS.—
 10 There are authorized to be appropriated to carry out
 11 this subsection \$5,000,000 for each of fiscal years
 12 2007 through 2013.

13 “(h) SPECIAL NEEDS GRANTS.—

14 “(1) GRANTS AUTHORIZED.—The Secretary
 15 may award grants to eligible entities to identify, ad-
 16 dress, and make recommendations on meeting the
 17 special needs of underserved populations of elders.

18 “(2) POPULATIONS INCLUDED.—The grant
 19 funds awarded pursuant to paragraph (1) shall be
 20 used to fund programs including the following:

21 “(A) RURAL SETTINGS.—Programs de-
 22 signed to meet the needs of elders living in
 23 rural locations, including the needs of their in-
 24 formal caregivers and fiduciaries. The programs
 25 shall include—

1 “(i) strategies to decrease isolation;

2 “(ii) training for informal caregivers
3 and fiduciaries;

4 “(iii) activities involving collaboration
5 between the entities and local secondary
6 schools and institutions of higher education
7 to offer classes for credit, focusing on
8 training individuals to work with elders
9 and caregivers;

10 “(iv) training for volunteers to serve
11 in rural communities; and

12 “(v) strategies on the use of advance
13 planning to avoid the need for a guardian
14 or other fiduciary.

15 “(B) MINORITY POPULATIONS.—Programs
16 designed to meet the needs of elders in minority
17 populations, including culturally and linguis-
18 tically appropriate programs.

19 “(C) INDIAN TRIBES.—Programs designed
20 to provide necessary services to elders who are
21 members of Indian tribes, including successful
22 programs in elder abuse, neglect, and exploi-
23 tation prevention and treatment that target In-
24 dian populations. The entities carrying out the
25 programs shall deliver services and distribute

educational information on elder abuse, neglect, and exploitation to Indian tribes and other policymakers, health and social service providers, law enforcement, and researchers with a particular interest in elders who are members of Indian tribes.

~~“(3) AUTHORIZATION OF APPROPRIATIONS.—~~

There are authorized to be appropriated to carry out this subsection \$7,500,000 for each of fiscal years 2007 through 2013.

~~“(i) PUBLIC AWARENESS GRANTS.—~~

~~“(1) GRANTS AUTHORIZED.—The Secretary and the Attorney General, after consultation with the advisory board established under section 2213 and the coordinating council established under section 2212, shall jointly award 1 grant to a national organization, or 1 or more grants to eligible entities, to conduct a national multimedia campaign designed to raise awareness about elder abuse, neglect, and exploitation.~~

~~“(2) AUTHORIZED ACTIVITIES.—Grant funds awarded under paragraph (1) shall be used for activities including the following:~~

~~“(A) Raising public awareness regarding financial schemes that target elders.~~

1 “(B) Pilot testing the effectiveness of var-
 2 ious types of multimedia campaigns in raising
 3 awareness about—

4 “(i) the types of elder abuse, neglect,
 5 and exploitation;

6 “(ii) steps to take if an individual sus-
 7 pects elder abuse, neglect, or exploitation
 8 has occurred; and

9 “(iii) ways to prevent elder abuse, ne-
 10 glect, or exploitation.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated to carry out
 13 this subsection \$5,000,000 for each of fiscal years
 14 2007 through 2013.

15 “(j) ELDER JUSTICE INNOVATION FUND.—

16 “(1) IN GENERAL.—The Secretary and the At-
 17 torney General are authorized to jointly award
 18 grants to individuals or entities working in the elder
 19 justice field or related fields for research, a dem-
 20 onstration project, development or implementation of
 21 a promising program or practice, or another innova-
 22 tive effort related to the identification or prevention
 23 of elder abuse, neglect, or exploitation that might
 24 not otherwise be funded or pursued in the absence
 25 of a grant under this subsection.

1 ~~“(2) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There are authorized to be appropriated to carry out
3 this subsection \$5,000,000 for each of fiscal years
4 2007 through 2013.

5 ~~“SEC. 2223. STUDIES.~~

6 ~~“(a) ROLES OF ENTITIES RESPONDING TO ELDER~~
7 ~~ABUSE, NEGLECT, AND EXPLOITATION.—~~

8 ~~“(1) IN GENERAL.—~~The Secretary and the At-
9 torney General shall jointly sponsor or conduct a
10 study of the roles and responsibilities of Government
11 and Government-funded entities responsible for re-
12 sponding to, investigating, and taking other actions
13 in response to reports of elder abuse, neglect, and
14 exploitation including—

15 ~~“(A) State and local agencies with the re-~~
16 ~~sponsibility for adult protective services;~~

17 ~~“(B) the State Long-Term Care Ombuds-~~
18 ~~men;~~

19 ~~“(C) law enforcement (including prosecu-~~
20 ~~tors);~~

21 ~~“(D) fiduciaries;~~

22 ~~“(E) judges and other court personnel; and~~

23 ~~“(F) such other social and protective serv-~~
24 ~~ice, advocacy, and protection organizations as~~

1 the Secretary and the Attorney General deter-
2 mine to be appropriate.

3 ~~“(2) GOALS.—~~The goals of the study author-
4 ized in paragraph (1) (which may be conducted in
5 distinct sections, if there is overall coordination)
6 are—

7 ~~“(A) to identify gaps in the detection of,~~
8 investigation of, and intervention in elder abuse,
9 neglect, and exploitation;

10 ~~“(B) to improve the response to elder~~
11 abuse, neglect, and exploitation; and

12 ~~“(C) to reduce elder victimization and its~~
13 consequences by assessing and improving the
14 systems created to address reports of elder
15 abuse, neglect, and exploitation.

16 ~~“(3) AUTHORIZED ACTIVITIES.—~~In conducting
17 the study authorized in paragraph (1), the Director
18 shall—

19 ~~“(A) conduct an evaluation of—~~

20 ~~“(i) how the social and protective~~
21 service, advocacy, protection, judicial, and
22 law enforcement entities and systems are
23 operating;

24 ~~“(ii) the interplay and allocation of re-~~
25 sponsibilities among those entities;

1 “(iii) how that allocation differs from
2 community to community and State to
3 State; and

4 “(iv) how those differences impact the
5 population intended to be protected by the
6 entities and systems;

7 “(B) make recommendations on how to
8 clarify the roles (at the Federal level) of entities
9 such as State agencies with responsibility for
10 adult protective services, the State Long-Term
11 Care Ombudsmen, and other protection and ad-
12 vocacy entities to enhance efficiency, eliminate
13 gaps in service, and identify conflicting man-
14 dates and duplication of efforts; and

15 “(C) evaluate how various communities de-
16 lineate the roles and responsibilities of the types
17 of entities described in subparagraph (A) in
18 order to identify and recommend effective mod-
19 els and methods to duplicate the delineation ef-
20 forts (such as duplication through memoranda
21 of understanding);-

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection \$2,000,000 for each of fiscal years
25 2007 through 2013.

1 “(b) FAMILY ELDER ABUSE, NEGLECT, AND EX-
2 PLOITATION STUDY.—

3 “(1) IN GENERAL.—The Director of the Cen-
4 ters for Disease Control and Prevention (in this sub-
5 section referred to as the ‘Director’), after consulta-
6 tion with the Director of the Office of Elder Justice
7 in the Department of Health and Human Services
8 and the Director of the Office of Elder Justice in
9 the Department of Justice, shall conduct a study to
10 determine the best method to address elder abuse,
11 neglect, and exploitation from a public health per-
12 spective, including examining methods to reduce
13 elder abuse, neglect, and exploitation committed by
14 family members.

15 “(2) COLLABORATION.—The Director, in ear-
16 rying out activities under this subsection, shall col-
17 laborate with the Director of the National Institute
18 on Aging, the Director of the Office of Elder Justice
19 in the Department of Health and Human Services,
20 the Director of the Office of Elder Justice in the
21 Department of Justice, the heads of State agencies
22 with responsibility for adult protective services, and
23 the heads of such other entities as the Director de-
24 termines appropriate.

1 ~~“(3) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There are authorized to be appropriated to carry out
3 this subsection—

4 ~~“(A) \$1,500,000 for fiscal year 2007; and~~

5 ~~“(B) \$2,000,000 for each of fiscal years~~
6 ~~2008 through 2013.~~

7 **~~“SEC. 2224. FORENSIC MARKERS, METHODOLOGIES, AND~~**
8 **~~TRAINING.~~**

9 ~~“(a) FORENSIC CENTERS.—~~

10 ~~“(1) GRANTS.—The Secretary shall make~~
11 grants to appropriate entities to establish and oper-
12 ate stationary and mobile forensic centers, to de-
13 velop forensic expertise regarding, and provide serv-
14 ices relating to, elder abuse, neglect, and exploi-
15 tation.

16 ~~“(2) COORDINATION AMONG FORENSIC CEN-~~
17 TERS AND CENTERS OF EXCELLENCE.—The entities
18 establishing and operating the forensic centers shall
19 coordinate activities on an ongoing basis with the
20 Centers of Excellence described in section
21 ~~2222(b)(1)~~. Such coordination shall include ongoing
22 communication among the entities and the Centers
23 of Excellence. The entities shall adhere to proce-
24 dures and mechanisms developed by the Secretary,

1 including procedures and mechanisms relating to the
 2 sharing of data.

3 ~~“(3) STATIONARY FORENSIC CENTERS.—The~~
 4 Secretary shall make 4 of the grants described in
 5 paragraph (1) to institutions of higher education
 6 with demonstrated expertise in forensics or commit-
 7 ment to preventing or treating elder abuse, neglect,
 8 or exploitation, to establish and operate stationary
 9 forensic centers. The Secretary shall make at least
 10 2 of the 4 grants to an entity operating a Center of
 11 Excellence described in section 2222(b)(1) at an in-
 12 stitution of higher education.

13 ~~“(4) MOBILE CENTERS.—The Secretary shall~~
 14 make 6 of the grants described in paragraph (1) to
 15 appropriate entities to establish and operate mobile
 16 forensic centers.

17 ~~“(5) USE OF FUNDS.—~~

18 ~~“(A) DEVELOPMENT OF FORENSIC MARK-~~
 19 ~~ERS AND METHODOLOGIES.—An entity that re-~~
 20 ~~ceives a grant under this subsection shall use~~
 21 ~~funds made available through the grant to as-~~
 22 ~~sist in the determination of whether abuse or~~
 23 ~~neglect occurred, or a crime was committed,~~
 24 ~~and to conduct research to describe and dis-~~
 25 ~~seminate information on—~~

1 “(i) forensic markers that indicate a
2 case in which elder abuse, neglect, or ex-
3 ploitation may have occurred; and

4 “(ii) methodologies for determining, in
5 such a case, when and how health care,
6 emergency service, social and protective
7 service, and legal service providers should
8 intervene and when the providers should
9 report the case to law enforcement authori-
10 ties.

11 “(B) APPLICATIONS.—An entity that re-
12 ceives a grant under this subsection shall use
13 funds made available through the grant to de-
14 velop forensic expertise regarding elder abuse,
15 neglect, and exploitation, in order to provide
16 medical and forensic evaluation, therapeutic
17 intervention, victim support and advocacy, case
18 review, and case tracking.

19 “(C) COLLECTION OF EVIDENCE.—An en-
20 tity operating a Center of Excellence described
21 in section 2222(b)(1) that receives a grant
22 under this subsection shall use funds made
23 available through the grant to develop the ca-
24 pacity to collect forensic evidence, including col-
25 lecting forensic evidence relating to a potential

1 determination of elder abuse, neglect, or exploi-
 2 tation.

3 ~~“(6) AUTHORIZATION OF APPROPRIATIONS.—~~

4 There are authorized to be appropriated to carry out
 5 this subsection—

6 ~~“(A) \$4,000,000 for fiscal year 2007;~~

7 ~~“(B) \$6,000,000 for fiscal year 2008; and~~

8 ~~“(C) \$8,000,000 for each of fiscal years~~
 9 ~~2009 through 2013.~~

10 ~~“(b) TRAINING TO DEVELOP EXPERTISE IN GERI-~~
 11 ~~ATRIC FORENSICS.—~~

12 ~~“(1) FELLOWSHIP PROGRAMS.—~~

13 ~~“(A) IN GENERAL.—The Secretary shall~~
 14 ~~award fellowships to eligible individuals, to en-~~
 15 ~~able the individuals to obtain training through~~
 16 ~~a standard forensic science training program.~~

17 ~~“(B) ELIGIBLE INDIVIDUALS.—To be eligi-~~
 18 ~~ble to receive a fellowship under this paragraph,~~
 19 ~~an individual shall be a physician who—~~

20 ~~“(i) is board certified or board eligible~~
 21 ~~in internal medicine or family practice;~~

22 ~~“(ii) has completed a program in geri-~~
 23 ~~atrics that meets such criteria as the Sec-~~
 24 ~~retary may prescribe; and~~

1 “(iii) has entered into an agreement
2 with the Secretary to provide the team
3 training described in subparagraph (C);
4 after receiving the training described in
5 subparagraph (A).

6 “(C) TEAM TRAINING.—An individual who
7 receives a fellowship under this paragraph shall
8 provide training in forensic geriatrics to inter-
9 disciplinary teams of health care professionals.

10 “(2) ADDITIONAL PROGRAMS.—In addition to
11 the fellowships awarded under paragraph (1), the
12 Secretary shall establish programs, and make grants
13 to carry out such programs, that are designed to
14 provide forensic training to experienced geriatricians.

15 “(3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this subsection \$5,000,000 for each of fiscal years
18 2007 through 2013.

1 **“Subtitle C—Increasing Security,**
 2 **Quality, and Consumer Informa-**
 3 **tion for Long-Term Care**

4 **“CHAPTER 1—INCREASING SECURITY FOR**
 5 **LONG-TERM CARE**

6 **“SEC. 2231. REPORTING TO LAW ENFORCEMENT OF CRIMES**
 7 **OCCURRING IN FEDERALLY FUNDED LONG-**
 8 **TERM CARE FACILITIES.**

9 ~~“(a) REPORTING REQUIREMENT.—~~

10 ~~“(1) IN GENERAL.—Each individual who is an~~
 11 ~~owner, operator, employee, manager, agent, or con-~~
 12 ~~tractor of a long-term care facility that is described~~
 13 ~~in subsection (b)(1) shall report to 1 or more law en-~~
 14 ~~forcement entities for the jurisdiction in which the~~
 15 ~~facility is located any reasonable suspicion of a crime~~
 16 ~~(as defined by the law of the applicable political sub-~~
 17 ~~division) against any person who is a resident of or~~
 18 ~~receiving care from the facility.~~

19 ~~“(2) TIMING.—If the events that cause the sus-~~
 20 ~~picion—~~

21 ~~“(A) result in serious bodily injury, the in-~~
 22 ~~dividual shall report the suspicion immediately;~~
 23 ~~and~~

1 “(B) do not result in serious bodily injury;
 2 the individual shall report the suspicion not
 3 later than 24 hours after forming the suspicion.

4 “(b) LONG-TERM CARE FACILITY DESCRIBED.—

5 “(1) LONG-TERM CARE FACILITY.—A long-term
 6 care facility is described in this paragraph if such
 7 facility will receive at least \$10,000 in Federal funds
 8 during a year.

9 “(2) NOTIFICATION.—In the case of a long-
 10 term facility described in paragraph (1), the owner
 11 or operator shall annually notify each individual de-
 12 scribed in subsection (a)(1) of the obligation to com-
 13 ply with subsection(a).

14 “(c) PENALTY.—

15 “(1) IN GENERAL.—If an individual described
 16 in subsection (a)(1) violates subsection (a)—

17 “(A) the individual shall be fined not more
 18 than \$200,000 or subject to a civil money pen-
 19 alty of not more than \$200,000; or

20 “(B) the Secretary shall classify the indi-
 21 vidual as an excluded individual for a period of
 22 not more than 3 years.

23 “(2) INCREASED HARM.—If an individual de-
 24 scribed in subsection (a)(1) violates subsection (a);

1 and the violation exacerbates the harm to the victim
2 of the crime or results in harm to another person—

3 “(A) the individual shall be fined not more
4 than \$300,000 or subject to a civil money pen-
5 alty of not more than \$300,000; and

6 “(B) the Secretary shall classify the indi-
7 vidual as an excluded individual for a period of
8 not more than 3 years.

9 “(3) EXCLUDED INDIVIDUAL.—During any pe-
10 riod for which an individual is classified as an ex-
11 cluded individual under this paragraph, an entity
12 that employs the individual shall be ineligible to re-
13 ceive Federal funds.

14 “(4) EXTENUATING CIRCUMSTANCES.—The
15 Secretary may take into account the financial bur-
16 den on providers with underserved populations in de-
17 termining the penalty.

18 “(d) REGULATIONS.—The Secretary, after consulting
19 with the Attorney General, shall issue regulations to carry
20 out this section.

1 **“CHAPTER 2—IMPROVING THE QUALITY**
 2 **OF LONG-TERM CARE**

3 **“SEC. 2241. GRANTS AND INCENTIVES TO ENHANCE LONG-**
 4 **TERM CARE STAFFING.**

5 ~~“(a) GENERAL AUTHORITY.—The Administrator of~~
 6 ~~the Centers for Medicare & Medicaid Services (in this sec-~~
 7 ~~tion referred to as the ‘Administrator’) shall carry out ac-~~
 8 ~~tivities, including activities described in subsections (b)~~
 9 ~~and (c), to provide incentives for individuals to train for,~~
 10 ~~seek, and maintain employment providing direct care in~~
 11 ~~a long-term care facility.~~

12 ~~“(b) SPECIFIC PROGRAMS TO ENHANCE TRAINING,~~
 13 ~~RECRUITMENT, AND RETENTION OF STAFF.—~~

14 ~~“(1) COORDINATION WITH OTHER PROGRAMS~~
 15 ~~TO RECRUIT AND TRAIN LONG-TERM CARE STAFF.—~~

16 ~~The Administrator shall coordinate activities with~~
 17 ~~the Secretary of Labor and the Assistant Secretary~~
 18 ~~for the Administration for Children and Families, in~~
 19 ~~order to provide incentives to participants in pro-~~
 20 ~~grams carried out under section 403(a)(5) and part~~
 21 ~~A of title IV to train for and seek employment pro-~~
 22 ~~viding direct care in a long-term care facility.~~

23 ~~“(2) CAREER LADDERS AND WAGE OR BENEFIT~~
 24 ~~INCREASES TO INCREASE STAFFING IN LONG-TERM~~
 25 ~~CARE FACILITIES.—~~

1 “(A) IN GENERAL.—The Administrator
2 shall make grants to eligible entities to carry
3 out programs through which the entities—

4 “(i) offer, to employees who provide
5 direct care in a long-term care facility,
6 continuing training and varying levels of
7 certification, based on observed clinical
8 care practices and the amount of time the
9 employees spend providing direct care; and

10 “(ii) provide, or make arrangements
11 with employers to provide, bonuses or
12 other increased compensation or benefits to
13 employees who achieve certification under
14 such a program.

15 “(B) APPLICATION.—To be eligible to re-
16 ceive a grant under this paragraph, an entity
17 shall submit an application to the Adminis-
18 trator at such time, in such manner, and con-
19 taining such information as the Administrator
20 may require.

21 “(c) SPECIFIC PROGRAMS TO IMPROVE MANAGE-
22 MENT PRACTICES.—

23 “(1) IN GENERAL.—The Administrator shall
24 make grants to eligible organizations to enable the
25 organizations to provide training and technical as-

1 sistance to eligible persons (including administra-
2 tors, directors of nursing, staff developers, and
3 charge nurses) who establish or implement manage-
4 ment practices for long-term care facilities.

5 “(2) USE OF FUNDS.—An organization that re-
6 ceives a grant under paragraph (1) shall use funds
7 made available through the grant—

8 “(A) to provide training and technical as-
9 sistance regarding management practices for
10 employees that provide direct care in a long-
11 term care facility and that are demonstrated to
12 promote retention of those employees; such
13 as—

14 “(i) the establishment of basic human
15 resource policies that reward high perform-
16 ance; including policies that provide for im-
17 proved wages and benefits on the basis of
18 job reviews;

19 “(ii) the establishment of motivational
20 and thoughtful work organization prac-
21 tices;

22 “(iii) the creation of a workplace cul-
23 ture that respects and values caregivers
24 and their needs;

1 “(iv) the promotion of a workplace
2 culture that respects the rights of residents
3 of a long-term care facility and results in
4 improved care for the residents; and

5 “(v) the establishment of other pro-
6 grams that promote the provision of high
7 quality care, such as a continuing edu-
8 cation program that provides additional
9 hours of training, including on-the-job
10 training, for employees who are certified
11 nurse aides; or

12 “(B) to disseminate training materials for
13 the training described in subparagraph (A), and
14 to provide the materials to the National Elder
15 Justice Library established in section
16 2221(a)(4), so that the materials are available
17 to other providers of such training.

18 “(3) APPLICATION.—To be eligible to receive a
19 grant under this subsection, an organization shall
20 submit an application to the Administrator at such
21 time, in such manner, and containing such informa-
22 tion as the Administrator may require.

23 “(d) EVALUATING PROGRAMS.—After the first pro-
24 grams developed under this section have been completed,

1 the Administrator shall evaluate the outcomes of such pro-
 2 grams in determining which future applications to fund.

3 “(e) ACCOUNTABILITY MEASURES.—The Adminis-
 4 trator shall develop accountability measures to ensure that
 5 funds made available under this section benefit the staff
 6 who are the intended beneficiaries of the programs pro-
 7 vided under this section; to promote increases in the num-
 8 ber of staff and stability in the long-term care workforce.

9 “(f) COMPLIANCE WITH APPLICABLE LAWS.—In
 10 order to receive funds under this section, an eligible entity
 11 shall comply with all applicable laws, regulations, and
 12 guidelines.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this section
 15 \$10,000,000 for each of fiscal years 2007 through 2013.

16 **“SEC. 2242. COLLABORATIVE EFFORTS TO ENHANCE COM-
 17 MUNICATION ON PROMOTING QUALITY OF
 18 AND PREVENTING ABUSE AND NEGLECT IN
 19 LONG-TERM CARE.**

20 “(a) IN GENERAL.—The Director of the Agency for
 21 Healthcare Research and Quality (in this section referred
 22 to as the ‘Director’), after consultation with the Attorney
 23 General, may establish pilot projects to improve long-term
 24 care. In carrying out the projects, the Director shall make
 25 grants to eligible partnerships to develop collaborative and

1 innovative approaches to improve the quality of, including
2 preventing abuse and neglect in, long-term care.

3 “(b) ELIGIBLE PARTNERSHIPS.—To be eligible to re-
4 ceive a grant under this section, a partnership shall be
5 a multidisciplinary community partnership, such as a
6 partnership consisting of representatives in a community
7 of nursing facility providers, advocates for residents of
8 long-term care facilities, State Long-Term Care Ombuds-
9 men, surveyors, the State agency with responsibility for
10 adult protective services, the State agency with responsi-
11 bility for licensing long-term care facilities, law enforce-
12 ment agencies, courts, family councils, residents, certified
13 nurse aides, registered nurses, physicians, and other ap-
14 propriate entities and individuals.

15 “(c) APPLICATION.—To be eligible to receive a grant
16 under this section, a partnership shall submit an applica-
17 tion to the Director at such time, in such manner, and
18 containing such information as the Director may require.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$2,500,000 for each of fiscal years 2007 through 2013.

1 ~~“SEC. 2243. COLLABORATIVE EFFORTS TO DEVELOP CON-~~
 2 ~~SENSUS AROUND THE MANAGEMENT OF CER-~~
 3 ~~TAIN QUALITY-RELATED FACTORS.~~

4 ~~“(a) IN GENERAL.—The Director of the Agency for~~
 5 ~~Healthcare Research and Quality (in this section referred~~
 6 ~~to as the ‘Director’), after consultation with the Attorney~~
 7 ~~General and the Advisory Board established under section~~
 8 ~~2213, shall make grants to eligible entities to establish~~
 9 ~~multidisciplinary panels to address, and develop consensus~~
 10 ~~on, subjects relating to improving the quality of long-term~~
 11 ~~care. The Director shall make a limited number of such~~
 12 ~~grants, including at least 1 grant for the establishment~~
 13 ~~of such a panel to address, and develop consensus on,~~
 14 ~~methods of managing resident-to-resident abuse in long-~~
 15 ~~term care.~~

16 ~~“(b) USE OF FUNDS.—An entity that receives a~~
 17 ~~grant under this section shall—~~

18 ~~“(1) establish a multidisciplinary panel to ad-~~
 19 ~~dress a specific subject; and~~

20 ~~“(2) ensure that the panel uses the funds made~~
 21 ~~available through the grant to establish a goal with~~
 22 ~~respect to the subject, examine relevant research and~~
 23 ~~data, identify best practices with respect to the sub-~~
 24 ~~ject, determine the best way to carry out those best~~
 25 ~~practices in a practical and feasible manner, and de-~~

1 terminate an effective manner of distributing informa-
 2 tion on the subject.

3 ~~“(c) APPLICATION.—To be eligible to receive a grant~~
 4 ~~under this section, an entity shall submit an application~~
 5 ~~to the Director at such time, in such manner, and con-~~
 6 ~~taining such information as the Director may require.~~

7 ~~“(d) AUTHORIZATION OF APPROPRIATIONS.—There~~
 8 ~~are authorized to be appropriated to carry out this section~~
 9 ~~\$2,000,000 for each of fiscal years 2007 through 2013.~~

10 **~~“CHAPTER 3—INCREASING CONSUMER~~**

11 **~~INFORMATION ABOUT LONG-TERM CARE~~**

12 **~~“SEC. 2251. LONG-TERM CARE CONSUMER CLEARING-~~**
 13 **~~HOUSE.~~**

14 ~~“(a) IN GENERAL.—The Director of the Office of~~
 15 ~~Elder Justice in the Department of Health and Human~~
 16 ~~Services, in coordination with the Director of the Agency~~
 17 ~~for Healthcare Research and Quality and the Adminis-~~
 18 ~~trator of the Centers for Medicare & Medicaid Services,~~
 19 ~~shall establish a long-term care consumer clearinghouse in~~
 20 ~~the Department of Health and Human Services.~~

21 ~~“(b) INFORMATION.—The clearinghouse shall be es-~~
 22 ~~tablished as part of the Elder Justice Resource Center es-~~
 23 ~~tablished under section 2221 and shall provide comprehen-~~
 24 ~~sive detailed information, in a consumer-friendly form, to~~
 25 ~~consumers about choices relating to long-term care pro-~~

1 viders, such as information (including links to Web sites
2 and other resources that provide information) about—

3 “(1) obtaining the services of, and employing,
4 caregivers who provide long-term care at an individ-
5 ual’s home; and

6 “(2) options for residential long-term care; such
7 as—

8 “(A)(i) the type of care provided by nurs-
9 ing facilities; and

10 “(ii) the type of care provided by group
11 homes and other residential long-term care fa-
12 cilities that are not nursing facilities;

13 “(B) the benefits available through the
14 programs carried out under titles XVIII and
15 XIX of the Social Security Act (42 U.S.C. 1395
16 et seq.; 1396 et seq.); and

17 “(C) the care available through specific
18 long-term care facilities, including data on the
19 satisfaction level of residents; and families of
20 residents; of the facilities.

21 “(e) PROVIDERS.—In providing information on long-
22 term care providers under this section, the clearinghouse
23 shall provide information (from States and other sources)
24 on assisted living facilities; board and care facilities; con-

1 gregate care facilities, home health care providers, and
 2 other long-term care providers.

3 “(d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 4 are authorized to be appropriated to carry out this sec-
 5 tion—

6 “(1) \$2,000,000 for fiscal year 2007;

7 “(2) \$3,000,000 for fiscal year 2008; and

8 “(3) \$4,000,000 for each of fiscal years 2009
 9 through 2013.

10 **“SEC. 2252. CONSUMER INFORMATION ABOUT THE CON-**
 11 **TINUUM OF RESIDENTIAL LONG-TERM CARE**
 12 **FACILITIES.**

13 “(a) ~~STUDY.~~—

14 “(1) ~~IN GENERAL.~~—The Director of the Agency
 15 for Healthcare Research and Quality, after consulta-
 16 tion with the Director of the Office of Elder Justice
 17 in the Department of Health and Human Services
 18 and the Director of the Office of Elder Justice in
 19 the Department of Justice, shall, directly or through
 20 a grant, conduct a study on consumer concerns re-
 21 lating to residential long-term care facilities other
 22 than nursing facilities.

23 “(2) ~~SPECIFIC TOPICS.~~—The entity conducting
 24 the study shall—

1 “(A) develop definitions for classes of the
2 residential long-term care facilities described in
3 paragraph (1); and

4 “(B) collect information on the prices of,
5 level of services provided by, oversight and en-
6 forcement provisions of, and admission and dis-
7 charge criteria of the facilities.

8 “(b) REPORT.—The Director of the Agency for
9 Healthcare Research and Quality shall prepare a report
10 containing the results of the study and, not later than the
11 date that is 2 years after the date of enactment of the
12 Elder Justice Act, submit the report to the Elder Justice
13 Coordinating Council established under section 2212, the
14 Committee on Ways and Means of the House of Rep-
15 resentatives, and the Special Committee on Aging of the
16 Senate.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$3,000,000 for each of fiscal years 2007 through 2013.

20 **“Subtitle D—Miscellaneous** 21 **Provisions**

22 **“SEC. 2261. EVALUATIONS.**

23 “(a) GRANTS.—

24 “(1) IN GENERAL.—In making a grant under a
25 provision of this title, the granting authority shall—

1 “(A) require the recipient of the grant
2 to—

3 “(i) reserve a portion of the funds
4 made available through the grant; and

5 “(ii) use the reserved funds to conduct
6 an evaluation of the other activities carried
7 out through the grant; or

8 “(B)(i) reserve a portion of the funds
9 available for the grant; and

10 “(ii) use the reserved funds to provide as-
11 sistance to an eligible entity to conduct an eval-
12 uation of the activities carried out through the
13 grant.

14 “(2) USE OF FUNDS.—A recipient of a grant
15 described in paragraph (1)(A), or assistance de-
16 scribed in paragraph (1)(B)(ii), shall use the funds
17 made available through the grant, or the assistance,
18 respectively, to conduct a validated evaluation of the
19 effectiveness of the activities described in subpara-
20 graph (A) or (B), respectively, of paragraph (1).

21 “(3) APPLICATIONS.—

22 “(A) SUBMISSION.—

23 “(i) GRANTS FOR PROJECTS CON-
24 TAINING EVALUATIONS.—To be eligible to
25 receive a grant for which the granting au-

1 thority requires the reservation described
2 in paragraph (1)(A)(i), an entity shall in-
3 clude a proposal for the evaluation in the
4 application submitted for the grant.

5 “(ii) ASSISTANCE FOR EVALUA-
6 TIONS.—To be eligible to receive assistance
7 under paragraph (1)(B)(ii), an entity shall
8 submit an application to the granting au-
9 thority at such time, in such manner, and
10 containing such information as the grant-
11 ing authority may require, including a pro-
12 posal for the evaluation.

13 “(B) REVIEW AND ASSISTANCE.—An em-
14 ployee of the National Institute on Aging and
15 a private expert with expertise in evaluation
16 methodology shall review each proposal de-
17 scribed in clause (i) or (ii) of subparagraph (A),
18 and determine whether the methodology de-
19 scribed in the proposal is adequate to gather
20 meaningful information. If the employee and
21 expert determine that the methodology is inad-
22 equate, the employee and expert shall rec-
23 ommend that the granting authority deny the
24 application for the grant described in subpara-
25 graph (A)(i), or the assistance described in sub-

1 paragraph (B)(ii), as appropriate, or make rec-
 2 ommendations for how the application should
 3 be amended. If the granting authority denies
 4 the application on the basis of the proposal, the
 5 granting authority shall inform the applicant
 6 why the application was denied, and offer as-
 7 sistance to the applicant in modifying the pro-
 8 posal.

9 “(b) OTHER GRANTS.—The granting authority shall
 10 make grants to appropriate entities to conduct validated
 11 evaluations of activities to reduce elder abuse, neglect, and
 12 exploitation that are not funded under this title.

13 “(c) CONDITION OF PARTICIPATION.—As a condition
 14 of participation in any grant under this title, individuals,
 15 facilities, and other entities shall agree to be subject to
 16 sections 3729 through 3733 of title 31, United States
 17 Code, and other applicable laws.

18 **“SEC. 2262. HUMAN SUBJECT RESEARCH.**

19 “(a) IN GENERAL.—For purposes of the application
 20 of subpart A of part 46 of title 45, Code of Federal Regu-
 21 lations, to research conducted under this title, the term
 22 ‘legally authorized representative’ means, unless otherwise
 23 provided by law, the individual, or judicial or other body
 24 authorized under the applicable law to consent to medical
 25 treatment on behalf of another person.

1 “(b) **GUIDELINES.**—The Secretary, through the Di-
 2 rector of the National Institute on Aging, after consulta-
 3 tion with the Director of the Office for Human Research
 4 Protections, shall promulgate guidelines to assist research-
 5 ers working in the area of elder abuse, neglect, and exploi-
 6 tation, with issues relating to human subject protections.

7 **“SEC. 2263. REGULATIONS.**

8 “The Secretary may issue such regulations as may
 9 be necessary to carry out this title.

10 **“SEC. 2264. RULE OF CONSTRUCTION.**

11 “Nothing in this title shall be construed to interfere
 12 with or abridge an elder’s right to practice his or her reli-
 13 gion through reliance on prayer alone for healing when
 14 this choice—

15 “(1) is contemporaneously expressed, either
 16 orally or in writing, with respect to a specific illness
 17 or injury which the elder has at the time of the deci-
 18 sion by an elder who is competent at the time of the
 19 decision;

20 “(2) is previously set forth in a living will,
 21 health care proxy, or other advance directive docu-
 22 ment that is validly executed and applied under
 23 State law; or

24 “(3) may be unambiguously deduced from the
 25 elder’s life history.

1 **~~“SEC. 2265. AUTHORIZATION OF APPROPRIATION.~~**

2 ~~“There are authorized to be appropriated to carry out~~
 3 ~~this subtitle \$7,000,000 for each of fiscal years 2007~~
 4 ~~through 2013.”.~~

5 **~~SEC. 102. SUPPORTING THE LONG-TERM CARE OMBUDS-~~**
 6 **~~MAN PROGRAM.~~**

7 ~~(a) SUPPORTING THE LONG-TERM CARE OMBUDS-~~
 8 ~~MAN PROGRAM.—~~

9 ~~(1) IN GENERAL.—~~Section 712(h) of the Older
 10 Americans Act of 1965 ~~(42 U.S.C. 3058g(h))~~ is
 11 amended—

12 ~~(A) in paragraph (8), by striking “; and”~~
 13 ~~at the end and inserting a semicolon;~~

14 ~~(B) in paragraph (9), by striking the pe-~~
 15 ~~riod at the end and inserting “; and”; and~~

16 ~~(C) by adding at the end the following new~~
 17 ~~paragraph:~~

18 ~~“(10) make grants, in consultation with the Di-~~
 19 ~~rector of the Office of Elder Justice in the Depart-~~
 20 ~~ment of Health and Human Services and the Direc-~~
 21 ~~tor of the Office of Elder Justice in the Department~~
 22 ~~of Justice, to eligible entities with relevant expertise~~
 23 ~~and experience to conduct evaluations and pilot~~
 24 ~~studies relating to various programs and methods~~
 25 ~~carried out by the Office of the State Long-Term~~
 26 ~~Care Ombudsman or a local Ombudsman entity~~

under section 307(a)(9) or this chapter, or to provide support (such as an ombudsman resource center).”.

~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

There are authorized to be appropriated to carry out the amendments made by this subsection—

~~(A) \$5,000,000 in fiscal year 2007;~~

~~(B) \$7,500,000 in fiscal year 2008; and~~

~~(C) \$10,000,000 in each of fiscal years~~

~~2009 through 2013.~~

~~(b) OMBUDSMAN TRAINING PROGRAMS.—~~

~~(1) IN GENERAL.—~~The Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and for State Long-Term Care Ombudsman programs.

~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

There are authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2007 through 2013.

1 **SEC. 103. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
 2 **GRANT PROGRAMS.**

3 Part A of title XI of the Social Security Act (42
 4 U.S.C. 1301 et seq.) is amended by adding at the end
 5 the following new section:

6 “ADULT PROTECTIVE SERVICES FUNCTIONS

7 “SEC. 1150A. (a) FUNCTIONS.—

8 “(1) IN GENERAL.—The Secretary shall ensure
 9 that the Department of Health and Human Serv-
 10 ices—

11 “(A) provides funding authorized by this
 12 title to State and local adult protective services
 13 offices that investigate reports of the abuse, ne-
 14 glect, and exploitation of elders;

15 “(B) collects and disseminates data annu-
 16 ally relating to the abuse, exploitation, and ne-
 17 glect of elders in coordination with the Bureau
 18 of Justice Statistics of the Office of Justice
 19 Programs of the Department of Justice efforts
 20 to collect national data under section 2221;

21 “(C) develops and disseminates informa-
 22 tion on best practices regarding, and provides
 23 training on, carrying out adult protective serv-
 24 ices;

1 “(D) in conjunction with the necessary ex-
 2 perts, conducts research related to the provision
 3 of adult protective services; and

4 “(E) provides technical assistance to
 5 States and other entities that provide or fund
 6 the provision of adult protective services, in-
 7 cluding through grants made under subsections
 8 (b) and (c).

9 “(2) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to carry out
 11 this subsection—

12 “(A) \$2,000,000 for fiscal year 2007; and

13 “(B) \$2,000,000 for each of fiscal years
 14 2008 through 2013.

15 “(b) GRANT PROGRAM.—

16 “(1) ESTABLISHMENT.—There is established an
 17 adult protective services grant program under which
 18 the Secretary shall annually award grants to States
 19 in the amounts calculated under paragraph (2) for
 20 the purposes of enhancing adult protective services
 21 provided by States and local units of government.

22 “(2) AMOUNT OF PAYMENT.—

23 “(A) IN GENERAL.—Subject to subpara-
 24 graphs (B) and (C), with respect to a fiscal

year, each State shall be paid an amount equal
to the product of—

“(i) the amount appropriated for the
year under paragraph (5); and

“(ii) the ratio (expressed as a percent-
age) of—

“(I) the total number of elders
who reside in the State, to

“(II) the total number of elders
who reside in the United States.

“(B) GUARANTEED MINIMUM PAYMENT
AMOUNT.—

“(i) 50 STATES.—Subject to clause
(ii), if the amount determined under sub-
paragraph (A) for a State for a year is less
than 0.75 percent of the amount appro-
priated under paragraph (5), the Secretary
shall increase such determined amount so
that the total amount paid under this sub-
section to the State for the year is equal
to 0.75 percent of the amount so appro-
priated.

“(ii) TERRITORIES.—In the case of a
State other than 1 of the 50 States, clause

1 (i) shall be applied as if each reference to
2 ‘0.75’ were a reference to ‘0.1’.

3 ~~“(C) PRO RATA REDUCTIONS.—The Sec-~~
4 retary shall make such pro rata reductions to
5 the amounts described in subparagraph (A) as
6 are necessary to comply with the requirements
7 of subparagraph (B).

8 ~~“(3) AUTHORIZED ACTIVITIES.—~~

9 ~~“(A) ADULT PROTECTIVE SERVICES.—~~
10 Funds made available pursuant to this sub-
11 section may only be used by States and local
12 units of government to provide adult protective
13 services and may not be used for any other pur-
14 pose.

15 ~~“(B) USE BY AGENCY.—Each State receiv-~~
16 ing funds pursuant to this subsection shall pro-
17 vide such funds to the agency or unit of State
18 government having legal responsibility for pro-
19 viding adult protective services within the State.

20 ~~“(C) SUPPLEMENT NOT SUPPLANT.—Each~~
21 State or local unit of government shall use
22 funds made available pursuant to this sub-
23 section to supplement and not supplant other
24 Federal, State, and local public funds expended
25 to provide adult protective services in the State.

1 ~~“(4) REPORTS.—~~

2 ~~“(A) STATE REPORTS.—Each State receiv-~~
 3 ~~ing funds under this subsection shall submit to~~
 4 ~~the Secretary, at such time and in such manner~~
 5 ~~as the Secretary may require, a report on the~~
 6 ~~number of elders served by the award of grants~~
 7 ~~under this subsection.~~

8 ~~“(B) REPORT BY THE SECRETARY.—Not~~
 9 ~~later than October 1, 2011, the Secretary shall~~
 10 ~~submit to the appropriate committees of Con-~~
 11 ~~gress a report compiling, summarizing, and~~
 12 ~~analyzing the information contained in the re-~~
 13 ~~ports submitted under subparagraph (A) to-~~
 14 ~~gether with such recommendations for legisla-~~
 15 ~~tive or administrative action as the Secretary~~
 16 ~~determines to be appropriate.~~

17 ~~“(5) AUTHORIZATION OF APPROPRIATIONS.—~~
 18 ~~There is authorized to be appropriated to carry out~~
 19 ~~this subsection \$200,000,000 for each of fiscal years~~
 20 ~~2007 through 2011.”.~~

21 ~~SEC. 104. ASSURING SAFETY OF RESIDENTS WHEN NURS-~~
 22 ~~ING FACILITIES CLOSE.~~

23 ~~(a) NURSING FACILITY CLOSURE UNDER MED-~~
 24 ~~ICAID.—Section 1919(c)(2) of the Social Security Act (42~~

1 U.S.C. 1396r(c)(2)) is amended by adding at the end the
 2 following new subparagraph:

3 “(G) NOTICE OF NURSING FACILITY CLO-
 4 SURE AND RESIDENT TRANSFER PLAN.—

5 “(i) IN GENERAL.—The owner or op-
 6 erator of a nursing facility shall—

7 “(I) submit to the Secretary and
 8 the State (including the State Long-
 9 Term Care Ombudsman) in which the
 10 facility is located written notification
 11 of an impending closure not later than
 12 the date that is 60 days prior to the
 13 date of such closure;

14 “(II) include in the notice a plan
 15 for the transfer and adequate reloca-
 16 tion of the residents prior to closure;
 17 including assurances that residents
 18 will not be transferred to facilities
 19 providing substandard care for which
 20 administrative or law enforcement ac-
 21 tion is pending; and

22 “(III) not later than 10 days
 23 after the facility closure, submit to the
 24 Secretary and the State information
 25 identifying where residents of the

1 closed facility were transferred and on
2 what date.

3 “(ii) ~~SANCTIONS.~~—Any person owning
4 a nursing facility that fails to comply with
5 the requirements of clause (i) shall be sub-
6 ject to—

7 “(I) a civil monetary penalty of
8 up to \$1,000,000;

9 “(II) exclusion from participation
10 in the programs under this Act (in ac-
11 cordance with the procedures of sec-
12 tion 1128); and

13 “(III) any other applicable civil
14 monetary penalties and assessments.

15 “(iii) ~~PROCEDURE.~~—A civil monetary
16 penalty or assessment authorized under
17 clause (ii) shall be imposed against a per-
18 son in the same manner as a civil mone-
19 tary penalty, assessment, or exclusion is
20 imposed under section 1128A.”.

21 (b) ~~SKILLED NURSING FACILITY CLOSURE UNDER~~
22 ~~MEDICARE.~~—Section 1819(c)(2) of the Social Security
23 Act (42 U.S.C. 1395i-3(c)(2)) is amended by adding at
24 the end the following new subparagraph:

1 “(D) NOTICE OF SKILLED NURSING FACIL-
2 ITY CLOSURE AND RESIDENT TRANSFER
3 PLAN.—

4 “(i) IN GENERAL.—The owner or op-
5 erator of a skilled nursing facility shall—

6 “(I) submit to the Secretary and
7 the State in which the facility is lo-
8 cated written notification of an im-
9 pending closure not later than the
10 date that is 60 days prior to the date
11 of such closure;

12 “(II) include in the notice a plan
13 for the transfer and adequate reloca-
14 tion of the residents prior to closure;
15 including assurances that residents
16 will not be transferred to facilities
17 providing substandard care for which
18 administrative or law enforcement ac-
19 tion is pending; and

20 “(III) not later than 10 days
21 after the facility closure, submit to the
22 Secretary and the State information
23 identifying where residents of the
24 closed facility were transferred and on
25 what date.

1 “(ii) **SANCTIONS.**—Any person owning
 2 a nursing facility that fails to comply with
 3 the requirements of clause (i) shall be sub-
 4 ject to—

5 “(I) a civil monetary penalty of
 6 up to \$1,000,000;

7 “(II) exclusion from participation
 8 in the programs under this Act (in ac-
 9 cordance with the procedures of sec-
 10 tion 1128); and

11 “(III) any other applicable civil
 12 monetary penalties and assessments.

13 “(iii) **PROCEDURE.**—A civil monetary
 14 penalty or assessment authorized under
 15 clause (ii) shall be imposed against a per-
 16 son in the same manner as a civil mone-
 17 tary penalty, assessment, or exclusion is
 18 imposed under section 1128A.”.

19 **SEC. 105. NATIONAL NURSE AIDE REGISTRY.**

20 (a) **STUDY AND REPORT.**—

21 (1) **IN GENERAL.**—The Secretary, in consulta-
 22 tion with appropriate government agencies and pri-
 23 vate sector organizations, shall conduct a study on
 24 establishing a national nurse aide registry.

1 (2) AREAS EVALUATED.—The study conducted
2 under this subsection shall include an evaluation
3 of—

4 (A) who should be included in the registry;

5 (B) how such a registry would comply with
6 Federal and State privacy laws and regulations;

7 (C) how data would be collected for the
8 registry;

9 (D) what entities and individuals would
10 have access to the data collected;

11 (E) how the registry would provide appro-
12 priate information regarding violations of Fed-
13 eral and State law by individuals included in
14 the registry; and

15 (F) how the functions of a national nurse
16 aide registry would be coordinated with the
17 pilot program for national and State back-
18 ground checks on direct patient access employ-
19 ees of long-term care facilities or providers es-
20 tablished under section 307 of the Medicare
21 Prescription Drug, Improvement, and Mod-
22 ernization Act of 2003 (Public Law 108–173)
23 and the national criminal background check
24 program established under section 106(e).

1 (3) CONSIDERATIONS.—In conducting the study
 2 and preparing the report required under this sub-
 3 section, the Secretary shall take into consideration
 4 the findings and conclusions of relevant reports, in-
 5 cluding the following:

6 (A) The Department of Health and
 7 Human Services Office of Inspector General
 8 Report, Nurse Aide Registries: State Compli-
 9 ance and Practices (February 2005).

10 (B) The General Accounting Office (now
 11 known as the Government Accountability Of-
 12 fice) Report, Nursing Homes: More Can Be
 13 Done to Protect Residents from Abuse (March
 14 2002).

15 (C) The Department of Health and
 16 Human Services Office of the Inspector General
 17 Report, Nurse Aide Registries: Long-Term Care
 18 Facility Compliance and Practices (July 2005).

19 (D) The Department of Health and
 20 Human Services Health Resources and Services
 21 Administration Report, Nursing Aides, Home
 22 Health Aides, and Related Health Care Occupa-
 23 tions—National and Local Workforce Shortages
 24 and Associated Data Needs (2004)(in par-
 25 ticular with respect to chapter 7 & appendix F).

1 ~~(E)~~ The 2001 Report to CMS from the
 2 School of Rural Public Health, Texas A&M
 3 University, Preventing Abuse and Neglect in
 4 Nursing Homes: The Role of Nurse Aide Reg-
 5 istries.

6 ~~(4)~~ REPORT.—Not later than 24 months after
 7 the date of enactment of this Act, the Secretary
 8 shall submit a report to the appropriate Committees
 9 of Congress containing the findings and rec-
 10 ommendations of the study conducted under this
 11 subsection.

12 ~~(5)~~ FUNDING LIMITATION.—Funding for the
 13 study conducted under this subsection shall not ex-
 14 ceed \$500,000.

15 ~~(b)~~ ESTABLISHMENT OF NATIONAL NURSE AIDE
 16 REGISTRY.—

17 ~~(1)~~ IN GENERAL.—Upon completion of the re-
 18 port described in subsection ~~(a)~~(4), the Secretary
 19 shall take appropriate measures to establish a na-
 20 tional nurse aide registry, taking into account the
 21 findings and recommendations contained in the re-
 22 port.

23 ~~(2)~~ AUTHORIZATION OF APPROPRIATIONS.—
 24 There are authorized to be appropriated such sums

1 as are necessary for the purpose of carrying out this
 2 subsection.

3 **SEC. 106. BACKGROUND CHECKS ON DIRECT ACCESS EM-**
 4 **PLOYEES OF LONG-TERM CARE FACILITIES**
 5 **OR PROVIDERS.**

6 (a) SCREENING OF SKILLED NURSING FACILITY AND
 7 NURSING FACILITY EMPLOYEE APPLICANTS.—

8 (1) MEDICARE PROGRAM.—Section 1819(b) of
 9 the Social Security Act (42 U.S.C. 1395i-3(b)) is
 10 amended by adding at the end the following:

11 “(9) SCREENING OF SKILLED NURSING FACIL-
 12 ITY WORKERS.—

13 “(A) BACKGROUND CHECKS ON APPLI-
 14 CANTS.—Before hiring a skilled nursing facility
 15 worker, a skilled nursing facility shall conduct
 16 a background check on the employee in accord-
 17 ance with such procedures as the Secretary
 18 shall establish.

19 “(B) PROHIBITION ON HIRING OF ABUSIVE
 20 WORKERS.—

21 “(i) IN GENERAL.—Subject to clause
 22 (ii), a skilled nursing facility may not
 23 knowingly employ any skilled nursing facil-
 24 ity worker who has any disqualifying infor-

1 mation (as defined in subparagraph
2 (F)(ii)).

3 ~~“(ii) PROVISIONAL EMPLOYMENT.—A~~
4 skilled nursing facility may provide for a
5 provisional period of employment for a
6 skilled nursing facility worker pending
7 completion of the background check re-
8 quired under subparagraph (A). Such facil-
9 ity shall maintain direct supervision of the
10 covered individual during the worker’s pro-
11 visional period of employment.

12 ~~“(C) PROCEDURES.—The procedures es-~~
13 tablished by the Secretary under subparagraph
14 (A) shall—

15 ~~“(i) provide a process by which a~~
16 skilled nursing facility worker may appeal
17 or dispute the accuracy of the information
18 obtained in a background check conducted
19 under this paragraph;

20 ~~“(ii) take into account the needs of~~
21 skilled nursing facilities located in rural
22 areas and skilled nursing facilities that
23 serve a low volume of patients (as deter-
24 mined by the Secretary) with respect to
25 providing supervision for provisional em-

1 ployees who are awaiting the results of a
2 background check conducted under this
3 paragraph; and

4 “(iii) provide for the reimbursement
5 of nursing facilities for 100 percent of the
6 costs incurred by such facilities in com-
7 plying with the requirements of this sec-
8 tion.

9 “(D) IMMUNITY FROM LIABILITY.—A
10 skilled nursing facility that, in denying employ-
11 ment for an applicant, reasonably relies upon
12 information about such applicant provided by
13 the criminal background check shall not be lia-
14 ble in any action brought by such applicant
15 based on the employment determination result-
16 ing from the information.

17 “(E) CIVIL PENALTY.—

18 “(i) IN GENERAL.—A skilled nursing
19 facility that violates the provisions of this
20 paragraph shall be subject to a civil pen-
21 alty in an amount not to exceed—

22 “(I) for the first such violation;

23 \$2,000; and

1 “(H) for the second and each
2 subsequent violation within any 5-year
3 period, \$5,000.

4 “(ii) KNOWING RETENTION OF WORK-
5 ER.—In addition to any civil penalty under
6 clause (i), a skilled nursing facility that
7 knowingly continues to employ a skilled
8 nursing facility worker in violation of sub-
9 paragraph (A) or (B) shall be subject to a
10 civil penalty in an amount not to exceed
11 \$5,000 for the first such violation, and
12 \$10,000 for the second and each subse-
13 quent violation within any 5-year period.

14 “(F) DEFINITIONS.—In this paragraph:

15 “(i) CONVICTION FOR A RELEVANT
16 CRIME.—The term ‘conviction for a rel-
17 evant crime’ means any Federal or State
18 criminal conviction for—

19 “(I) any offense described in sec-
20 tion 1128(a); and

21 “(II) such other types of offenses
22 as the Secretary may specify in regu-
23 lations.

24 “(ii) DISQUALIFYING INFORMATION.—
25 The term ‘disqualifying information’ means

1 information about a conviction for a rel-
 2 evant crime or a finding of patient or resi-
 3 dent abuse.

4 “(iii) SKILLED NURSING FACILITY
 5 WORKER.—The term ‘skilled nursing facil-
 6 ity worker’ means any individual (other
 7 than a volunteer) that has direct access to
 8 a patient of a skilled nursing facility under
 9 an employment or other contract, or both,
 10 with such facility. Such term includes indi-
 11 viduals who are licensed or certified by the
 12 State to provide long-term care services,
 13 and nonlicensed individuals providing such
 14 services, as defined by the Secretary, in-
 15 cluding nurse assistants, nurse aides, home
 16 health aides, and personal care workers
 17 and attendants.”.

18 ~~(2) MEDICAID PROGRAM.~~—Section 1919(b) of
 19 the Social Security Act (42 U.S.C. 1396r(b)) is
 20 amended by adding at the end the following new
 21 paragraph:

22 “(9) SCREENING OF NURSING FACILITY WORK-
 23 ERS.—

24 “(A) BACKGROUND CHECKS ON APPLI-
 25 CANTS.—Before hiring a nursing facility work-

1 er, a nursing facility shall conduct a back-
 2 ground check on the employee in accordance
 3 with such procedures as the Secretary shall es-
 4 tablish.

5 “(B) PROHIBITION ON HIRING OF ABUSIVE
 6 WORKERS.—

7 “(i) IN GENERAL.—Subject to clause
 8 (ii), a nursing facility may not knowingly
 9 employ any nursing facility worker who
 10 has any disqualifying information (as de-
 11 fined in subparagraph (F)(ii)).

12 “(ii) PROVISIONAL EMPLOYMENT.—A
 13 nursing facility may provide for a provi-
 14 sional period of employment for a nursing
 15 facility worker pending completion of the
 16 background check required under subpara-
 17 graph (A). Such facility shall maintain di-
 18 rect supervision of the covered individual
 19 during the worker’s provisional period of
 20 employment.

21 “(C) PROCEDURES.—The procedures es-
 22 tablished by the Secretary under subparagraph
 23 (A) shall—

24 “(i) provide a process by which a
 25 nursing facility worker may appeal or dis-

1 pute the accuracy of the information ob-
2 tained in a background check conducted
3 under this paragraph;

4 “(ii) take into account the needs of
5 nursing facilities located in rural areas and
6 nursing facilities that serve a low volume
7 of patients (as determined by the Sec-
8 retary) with respect to providing super-
9 vision for provisional employees who are
10 awaiting the results of a background check
11 conducted under this paragraph; and

12 “(iii) provide for the reimbursement
13 of nursing facilities for 100 percent of the
14 costs incurred by such facilities in com-
15 plying with the requirements of this sec-
16 tion.

17 “(D) IMMUNITY FROM LIABILITY.—A
18 nursing facility that, in denying employment for
19 an applicant, reasonably relies upon information
20 about such applicant provided by the criminal
21 background check shall not be liable in any ac-
22 tion brought by such applicant based on the
23 employment determination resulting from the
24 information.

25 “(E) CIVIL PENALTY.—

1 “(i) IN GENERAL.—A nursing facility
2 that violates the provisions of this para-
3 graph shall be subject to a civil penalty in
4 an amount not to exceed—

5 “(I) for the first such violation,
6 \$2,000; and

7 “(II) for the second and each
8 subsequent violation within any 5-year
9 period, \$5,000.

10 “(ii) KNOWING RETENTION OF WORK-
11 ER.—In addition to any civil penalty under
12 clause (i), a nursing facility that knowingly
13 continues to employ a nursing facility
14 worker in violation of subparagraph (A) or
15 (B) shall be subject to a civil penalty in an
16 amount not to exceed \$5,000 for the first
17 such violation, and \$10,000 for the second
18 and each subsequent violation within any
19 5-year period.

20 “(F) DEFINITIONS.—In this paragraph:

21 “(i) CONVICTION FOR A RELEVANT
22 CRIME.—The term ‘conviction for a rel-
23 evant crime’ means any Federal or State
24 criminal conviction for—

1 “(I) any offense described in sec-
2 tion 1128(a); and

3 “(II) such other types of offenses
4 as the Secretary may specify in regu-
5 lations.

6 “(ii) DISQUALIFYING INFORMATION.—

7 The term ‘disqualifying information’ means
8 information about a conviction for a rel-
9 evant crime or a finding of patient or resi-
10 dent abuse.

11 “(iii) NURSING FACILITY WORKER.—

12 The term ‘nursing facility worker’ means
13 any individual (other than a volunteer)
14 that has direct access to a patient of a
15 nursing facility under an employment or
16 other contract, or both, with such facility.
17 Such term includes individuals who are li-
18 censed or certified by the State to provide
19 long-term care services, and nonlicensed
20 individuals providing such services, as de-
21 fined by the Secretary, including nurse as-
22 sistants, nurse aides, home health aides,
23 and personal care workers and attend-
24 ants.”.

1 ~~(3) EFFECTIVE DATE.~~—The amendments made
 2 by this subsection shall take effect on the date that
 3 is ~~1~~ year after the date on which the evaluation is
 4 completed under subsection ~~(c)(1)~~.

5 ~~(b) APPLICATION TO OTHER LONG-TERM CARE FA-~~
 6 ~~CILITIES OR PROVIDERS.~~—

7 ~~(1) MEDICARE.~~—Part ~~E~~ of title XVIII of the
 8 Social Security Act (42 U.S.C. 1395x et seq.) is
 9 amended by adding at the end the following:
 10 “APPLICATION OF SKILLED NURSING FACILITY PREVEN-
 11 TIVE ABUSE PROVISIONS TO LONG-TERM CARE FA-
 12 CILITIES AND PROVIDERS

13 “SEC. 1898. (a) The provisions of section 1819(b)(9)
 14 shall apply to a long-term care facility or provider (as de-
 15 fined in subsection (b)) in the same manner as such provi-
 16 sions apply to a skilled nursing facility.

17 “~~(b) LONG-TERM CARE FACILITY OR PROVIDER.~~—
 18 In this section, the term ‘long-term care facility or pro-
 19 vider’ means the following facilities or providers which re-
 20 ceive payment for services under this title or title XIX:

21 “(1) A home health agency.

22 “(2) A provider of hospice care.

23 “(3) A long-term care hospital.

24 “(4) A provider of personal care services.

25 “(5) A residential care provider that arranges
 26 for, or directly provides, long-term care services.

1 ~~“(6) An intermediate care facility for the men-~~
 2 ~~tally retarded (as defined in section 1905(d)).”.~~

3 ~~(2) MEDICAID.—Section 1902(a) of the Social~~
 4 ~~Security Act (42 U.S.C. 1396a) is amended—~~

5 ~~(A) in paragraph (66), by striking “and”~~
 6 ~~at the end;~~

7 ~~(B) in paragraph (67), by striking the pe-~~
 8 ~~riod and inserting “; and”; and~~

9 ~~(C) by inserting after paragraph (67) the~~
 10 ~~following:~~

11 ~~“(68) provide that the provisions of section~~
 12 ~~1919(b)(9) apply to a long-term care facility or pro-~~
 13 ~~vider (as defined in section 1898(b)) in the same~~
 14 ~~manner as such provisions apply to a nursing facil-~~
 15 ~~ity.”.~~

16 ~~(3) EFFECTIVE DATE.—The amendments made~~
 17 ~~by this subsection shall take effect on the date that~~
 18 ~~is 1 year after the date on which the evaluation is~~
 19 ~~completed under subsection (c)(1).~~

20 ~~(c) NATIONAL CRIMINAL BACKGROUND CHECK PRO-~~
 21 ~~GRAM.—~~

22 ~~(1) COMPLETION OF PILOT PROGRAM EVALUA-~~
 23 ~~TION.—Not later than the date that is 6 months~~
 24 ~~after the completion of the pilot program for na-~~
 25 ~~tional and State background checks on direct patient~~

1 access employees of long-term care facilities or pro-
2 viders established under section 307 of the Medicare
3 Prescription Drug, Improvement, and Modernization
4 Act of 2003 (Public Law 108–173), the Secretary
5 shall complete the evaluation required under sub-
6 section (e) of such section of such Act.

7 (2) ESTABLISHMENT.—

8 (A) IN GENERAL.—Not later than the date
9 that is 1 year after the completion of the eval-
10 uation of the program described in paragraph
11 (1), the Secretary, in consultation with the At-
12 torney General, shall establish a national crimi-
13 nal background check program in order to pre-
14 vent abuse of nursing facility and skilled nurs-
15 ing facility residents and individuals receiving
16 home health care services and other long-term
17 care services under the medicare or medicaid
18 programs, taking into account the findings and
19 recommendations contained in the evaluation.

20 (B) USE IN CONDUCTING REQUIRED BACK-
21 GROUND CHECKS.—The national criminal back-
22 ground check program shall be made available
23 to a long-term care facility or provider for the
24 purpose of conducting criminal background
25 checks, including the criminal background

1 checks required under sections ~~1819(b)(9)~~ and
 2 ~~1919(b)(9)~~ of the Social Security Act (42
 3 U.S.C. ~~1395i-3(b)~~, ~~1396r(b)~~) (as added by sub-
 4 section (a)).

5 (C) CONDUCT OF BACKGROUND CHECKS
 6 BY THE FEDERAL BUREAU OF INVESTIGA-
 7 TION.—The Secretary, in consultation with the
 8 Attorney General, shall establish procedures for
 9 the background checks to be conducted by the
 10 Federal Bureau of Investigation, in cooperation
 11 with appropriate State and Federal agencies.

12 (D) CONSULTATION.—In establishing the
 13 national criminal background check program,
 14 the Secretary shall consult with appropriate in-
 15 terested parties, including—

16 (i) representatives of long-term care
 17 facilities or providers;

18 (ii) representatives of employees of
 19 long-term care facilities or providers;

20 (iii) consumers of long-term care serv-
 21 ices;

22 (iv) consumer advocates; and

23 (v) appropriate Federal and State of-
 24 ficials.

1 (E) INTEGRATION.—The Secretary shall
 2 take appropriate measures to integrate the na-
 3 tional criminal background check program and
 4 the national nurse aide registry established
 5 under section 105(b) into a single system. The
 6 integration of the program and the registry
 7 shall be done in such a manner as to efficiently
 8 and accurately provide timely responses to long-
 9 term care facilities and providers utilizing the
 10 integrated system.

11 (3) DEFINITIONS.—In this subsection:

12 (A) LONG-TERM CARE FACILITY OR PRO-
 13 VIDER.—The term “long-term care facility or
 14 provider” means the following facilities or pro-
 15 viders which receive payment for services under
 16 title XVIII or XIX of the Social Security Act:

17 (i) A nursing facility (as defined in
 18 subparagraph (B)).

19 (ii) A skilled nursing facility (as de-
 20 fined in subparagraph (C)).

21 (iii) A home health agency.

22 (iv) A provider of hospice care (as de-
 23 fined in section 1861(dd)(1) of the Social
 24 Security Act) (42 U.S.C. 1395x(dd)(1)).

1 (v) A long-term care hospital (as de-
 2 scribed in section 1886(d)(1)(B)(iv) of
 3 such Act) (42 U.S.C.
 4 1395ww(d)(1)(B)(iv)).

5 (vi) A provider of personal care serv-
 6 ices.

7 (vii) A residential care provider that
 8 arranges for, or directly provides, long-
 9 term care services.

10 (viii) An intermediate care facility for
 11 the mentally retarded (as defined in sec-
 12 tion 1905(d) of such Act) (42 U.S.C.
 13 1396d(d)).

14 (B) NURSING FACILITY.—The term “nurs-
 15 ing facility” has the meaning given such term
 16 in section 1919(a) of the Social Security Act
 17 (42 U.S.C. 1396r(a)).

18 (C) SKILLED NURSING FACILITY.—The
 19 term “skilled nursing facility” has the meaning
 20 given such term in 1819(a) of the Social Secu-
 21 rity Act (42 U.S.C. 1395i–3(a)).

TITLE II—DEPARTMENT OF JUSTICE

SEC. 201. MODEL STATE LAWS AND PRACTICES.

(a) IN GENERAL.—The Attorney General, after consultation with the Secretary, shall carry out the following duties:

(1) STUDY.—Conduct a study of State laws and practices relating to elder abuse, neglect, and exploitation.

(2) REPORT TO ELDER JUSTICE RESOURCE CENTER.—Prepare and submit a report or periodic reports containing the findings of the study conducted under paragraph (1) to the Elder Justice Resource Center established under section 2221 of the Social Security Act, to be made available to the public.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, submit to the Chairman and Ranking Member of the Special Committee on Aging of the Senate, and the Speaker and Minority leader of the House of Representatives a report that contains—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

1 ~~(B)~~ a comprehensive analysis of the effective-
 2 tiveness of such State laws and practices; and

3 ~~(C)~~ recommendations—

4 (i) for model State laws and practices
 5 relating to elder abuse, neglect, and exploi-
 6 tation; and

7 (ii) with respect to the definitions re-
 8 ferred to in subsection (b)(1).

9 ~~(b)~~ STATE LAWS AND PRACTICES.—The Attorney
 10 General shall examine State laws and practices under sub-
 11 section (a) on issues including—

12 ~~(1)~~ the definition of—

13 ~~(A)~~ “elder”;

14 ~~(B)~~ “abuse”;

15 ~~(C)~~ “neglect”;

16 ~~(D)~~ “exploitation”; and

17 ~~(E)~~ such related terms the Attorney Gen-
 18 eral determines to be appropriate;

19 ~~(2)~~ mandatory reporting laws, with respect to—

20 ~~(A)~~ who is a mandated reporter;

21 ~~(B)~~ to whom must they report and within
 22 what time frame; and

23 ~~(C)~~ any consequences for not reporting;

24 ~~(3)~~ evidentiary, procedural, sentencing, choice
 25 of remedies; and data retention issues relating to

1 pursuing cases relating to elder abuse, neglect, and
2 exploitation;

3 (4) laws requiring immediate reporting of all
4 nursing home deaths to the county coroner or to
5 some other individual or entity;

6 (5) fiduciary laws, including guardianship and
7 power of attorney laws;

8 (6) laws that permit or encourage banks and
9 bank employees to prevent and report suspected
10 elder abuse, neglect, and exploitation;

11 (7) laws that may impede research on elder
12 abuse, neglect, and exploitation;

13 (8) practices relating to the enforcement of laws
14 relating to elder abuse, neglect, and exploitation; and

15 (9) practices relating to other aspects of elder
16 justice.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this sec-
19 tion—

20 (1) \$1,000,000 in fiscal year 2007; and

21 (2) \$2,000,000 for each of fiscal years 2008
22 through 2013.

1 **SEC. 202. OFFICE OF ELDER JUSTICE OF THE DEPARTMENT**
2 **OF JUSTICE.**

3 (a) **ESTABLISHMENT.**—There is established within
4 the Department of Justice, under the Assistant Attorney
5 General and the Office of Justice Programs, an Office of
6 Elder Justice.

7 (b) **DIRECTOR OF THE OFFICE OF ELDER JUSTICE.**—

9 (1) **APPOINTMENT.**—The President, with the
10 advice and consent of the Senate, shall appoint a Di-
11 rector of the Office of Elder Justice, from among in-
12 dividuals with experience and expertise in elder jus-
13 tice issues, to manage the Office of Elder Justice es-
14 tablished under this section.

15 (2) **DUTIES.**—The Director of the Office of
16 Elder Justice shall—

17 (A)(i) develop objectives, priorities, poli-
18 cies, and a long-term plan for elder justice pro-
19 grams and activities relating to prevention, de-
20 tection, training, treatment, evaluation, inter-
21 vention, research, and improvement of the elder
22 justice system in the United States;

23 (ii) implement the overall policies and a
24 strategy to carry out the plan described in
25 clause (i); and

(iii) hire personnel to assist the director in carrying out the policies, programs, and administrative activities related to the duties under clauses (i) and (ii);

(B) provide advice to the Attorney General on elder justice issues; and

(C) coordinate activities with the Director of the Office of Elder Justice within the Department of Health and Human Services.

~~(3) REPORTING RELATIONSHIP.—~~The Director of the Office of Elder Justice shall have the same reporting relationship with the Attorney General, the Assistant Attorney General, and the Office of Justice Programs as the directors of the other offices headed by Presidential appointees within the Office of Justice Programs.

~~(4) COMPENSATION.—~~The Director of the Office of Elder Justice shall be compensated at a rate that shall not exceed the rate established for level I of the Executive Schedule under section 5312 of title 5, United States Code.

~~(e) AUTHORIZATION OF APPROPRIATIONS.—~~There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2007 through 2013.

1 **SEC. 203. VICTIM ADVOCACY GRANTS.**

2 (a) GRANTS AUTHORIZED.—The Attorney General,
3 after consultation with the Secretary, may award grants
4 to eligible entities to study the special needs of victims
5 of elder abuse, neglect, and exploitation.

6 (b) AUTHORIZED ACTIVITIES.—Funds awarded pur-
7 suant to subsection (a) shall be used for pilot programs
8 that—

9 (1) develop programs, provide training to health
10 care, social, and protective services providers, law
11 enforcement, fiduciaries (including guardians),
12 judges and court personnel, and victim advocates;
13 and

14 (2) examine special approaches designed to
15 meet the needs of victims of elder abuse, neglect,
16 and exploitation.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this sec-
19 tion—

20 (1) \$2,500,000 for fiscal year 2007; and

21 (2) \$3,000,000 for each of fiscal years 2008
22 through 2013.

23 **SEC. 204. SUPPORTING LOCAL PROSECUTORS IN ELDER**
24 **JUSTICE MATTERS.**

25 (a) GRANTS AUTHORIZED.—The Attorney General,
26 after consultation with the Director of the Office of Elder

1 Justice in the Department of Health and Human Services;
 2 shall award grants to provide training, technical assist-
 3 ance, policy development, multidisciplinary coordination,
 4 and other types of support to local prosecutors handling
 5 elder justice-related cases, including—

6 (1) funding specially designated elder justice
 7 positions or units; or

8 (2) funding the creation of a Center for the
 9 Prosecution of Elder Abuse, Neglect, and Exploi-
 10 tation by the American Prosecutor Research Insti-
 11 tute of the National District Attorneys Association,
 12 or any other similarly situated entity, to advise and
 13 support local prosecutors nationwide in their pursuit
 14 of cases involving elder abuse, neglect, and exploi-
 15 tation.

16 (b) DUTIES.—The Center created under subsection
 17 (a) shall, among other things—

18 (1) collaborate with experts in elder abuse, ne-
 19 glect, and exploitation;

20 (2) collaborate with the Advisory Board created
 21 by section 2213 of the Social Security Act; and

22 (3) provide local prosecutors and personnel as-
 23 sisting such prosecutors with training, technical as-
 24 sistance, multidisciplinary teams, and input in the
 25 handling, prevention and prosecution of, and special

1 circumstances surrounding, elder abuse, neglect, and
 2 exploitation.

3 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—~~There
 4 are authorized to be appropriated to carry out this sec-
 5 tion—

6 ~~(1) \$3,000,000 for fiscal year 2007; and~~

7 ~~(2) \$4,00,000 for each of fiscal years 2008~~
 8 ~~through 2013.~~

9 **SEC. 205. SUPPORTING STATE PROSECUTORS IN ELDER**
 10 **JUSTICE MATTERS.**

11 ~~(a) IN GENERAL.—~~The Attorney General shall, after
 12 consultation with the Secretary, award grants to provide
 13 training, technical assistance, multidisciplinary coordina-
 14 tion, policy development, and other types of support to
 15 State prosecutors, including employees of State Attorneys
 16 General and Medicaid Fraud Control Units handling elder
 17 justice-related matters.

18 ~~(b) CREATING SPECIALIZED POSITIONS.—~~Grants
 19 under this section may be made for—

20 ~~(1) the establishment of specially designated~~
 21 ~~elder justice positions or units; or~~

22 ~~(2) the creation of a position to coordinate elder~~
 23 ~~justice-related cases, training, technical assistance,~~
 24 ~~and policy development for State prosecutors, by the~~

1 National Association of Attorneys General (NAAG)
 2 or any other similarly situated entity.

3 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—~~There
 4 are authorized to be appropriated to carry out this sec-
 5 tion—

6 ~~(1) \$3,000,000 for fiscal year 2007; and~~

7 ~~(2) \$4,000,000 for each of fiscal years 2008~~
 8 ~~through 2013.~~

9 **SEC. 206. INCREASED SUPPORT FOR FEDERAL CASES IN-**
 10 **VOLVING ELDER JUSTICE.**

11 ~~(a) SUPPORT AND ASSISTANCE.—~~

12 ~~(1) IN GENERAL.—~~The Attorney General shall
 13 establish procedures to ensure that the Department
 14 of Justice dedicates resources to supporting cases re-
 15 lating to elder justice.

16 ~~(2) ADDITIONAL STAFF.—~~The Attorney General
 17 shall have additional Federal prosecutors and make
 18 funding available to Federal prosecutors to hire
 19 nurse-investigators or other experts needed to iden-
 20 tify, assist with, or pursue cases relating to elder
 21 justice.

22 ~~(3) RESOURCE GROUP.—~~The Attorney General
 23 may fund through the Executive Office of United
 24 States Attorneys a Resource Group to assist pros-
 25 ecutors throughout the Nation in pursuing failure of

1 care and other cases relating to elder justice mat-
 2 ters.

3 ~~(b) OFFICE OF INSPECTOR GENERAL.—The Office of~~
 4 ~~Inspector General of the Department of Health and~~
 5 ~~Human Services shall hire nurse investigators and other~~
 6 ~~experts to investigate and pursue failure of care allega-~~
 7 ~~tions.~~

8 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—There~~
 9 ~~are authorized to be appropriated to carry out this sec-~~
 10 ~~tion—~~

11 ~~(1) \$3,000,000 for fiscal year 2007; and~~

12 ~~(2) \$4,000,000 for each of fiscal years 2008~~
 13 ~~through 2013.~~

14 **SEC. 207. SUPPORTING LAW ENFORCEMENT IN ELDER JUS-**
 15 **TICE MATTERS.**

16 ~~(a) IN GENERAL.—The Attorney General shall, after~~
 17 ~~consultation with the Secretary, award grants to provide~~
 18 ~~training, technical assistance, multidisciplinary coordina-~~
 19 ~~tion, policy development, and other types of support to po-~~
 20 ~~lice, sheriffs, detectives, public safety officers, corrections~~
 21 ~~personnel, and other frontline law enforcement responders~~
 22 ~~who handle elder justice-related matters, to fund specially~~
 23 ~~designated elder justice positions or units designed to sup-~~
 24 ~~port front line law enforcement in elder justice matters.~~

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 (1) \$6,000,000 for fiscal year 2007; and

5 (2) \$8,000,000 for each of fiscal years 2008
6 through 2013.

7 **SEC. 208. EVALUATIONS.**

8 (a) GRANTS.—

9 (1) IN GENERAL.—In making a grant under a
10 provision of this title, the granting authority shall—

11 (A) require the recipient of the grant to—

12 (i) reserve a portion of the funds
13 made available through the grant; and

14 (ii) use the reserved funds to conduct
15 an evaluation of the other activities carried
16 out through the grant; or

17 (B)(i) reserve a portion of the funds avail-
18 able for the grant; and

19 (ii) use the reserved funds to provide as-
20 sistance to an eligible entity to conduct an eval-
21 uation of the activities carried out through the
22 grant.

23 (2) USE OF FUNDS.—A recipient of a grant de-
24 scribed in paragraph (1)(A), or assistance described
25 in paragraph (1)(B)(ii), shall use the funds made

1 available through the grant, or the assistance, re-
 2 spectively, to conduct a validated evaluation of the
 3 effectiveness of the activities described in subpara-
 4 graph (A) or (B), respectively, of paragraph (1).

5 (3) APPLICATIONS.—

6 (A) SUBMISSION.—

7 (i) GRANTS FOR PROJECTS CON-
 8 TAINING EVALUATIONS.—To be eligible to
 9 receive a grant for which the granting au-
 10 thority requires the reservation described
 11 in paragraph (1)(A)(i), an entity shall in-
 12 clude a proposal for the evaluation in the
 13 application submitted for the grant.

14 (ii) ASSISTANCE FOR EVALUATIONS.—

15 To be eligible to receive assistance under
 16 paragraph (1)(B)(ii), an entity shall sub-
 17 mit an application to the granting author-
 18 ity at such time, in such manner, and con-
 19 taining such information as the granting
 20 authority may require, including a proposal
 21 for the evaluation.

22 (B) REVIEW AND ASSISTANCE.—

23 (i) IN GENERAL.—An employee of the
 24 Department of Justice, after consultation
 25 with an employee of the Department of

1 Health and Human Services and a non-
2 governmental member of the advisory
3 board established under section 2213 of
4 the Social Security Act with expertise in
5 evaluation methodology, shall review each
6 proposal described in clause (i) or (ii) of
7 subparagraph (A), and determine whether
8 the methodology described in the proposal
9 is adequate to gather meaningful informa-
10 tion.

11 (ii) DENIAL.—If the reviewing em-
12 ployee determines the methodology de-
13 scribed in the proposal is inadequate under
14 clause (i), they shall recommend that the
15 granting authority deny the application for
16 the grant described in subparagraph
17 (A)(i), or the assistance described in sub-
18 paragraph (B)(ii), as appropriate, or make
19 recommendations for how the application
20 should be amended.

21 (iii) NOTICE TO APPLICANT.—If the
22 granting authority denies the application
23 on the basis of the proposal under this
24 subparagraph, the granting authority shall
25 inform the applicant why the application

1 was denied and offer assistance to the ap-
 2 plicant in modifying the proposal.

3 (b) OTHER GRANTS.—The granting authority shall
 4 make grants to appropriate entities to conduct validated
 5 evaluations of activities to reduce elder abuse, neglect, and
 6 exploitation that are not funded under this title.

7 (c) CONDITION OF PARTICIPATION.—As a condition
 8 of participation in any grant under this title, individuals,
 9 facilities, and other entities shall agree to be subject to
 10 the provisions of section 571 of title 18, United States
 11 Code, as added by this Act.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to carry out this section
 14 \$7,000,000 for each of fiscal years 2007 through 2013.

15 **TITLE III—TAX PROVISIONS**

16 **SEC. 301. LONG-TERM CARE FACILITY WORKER EMPLOY-** 17 **MENT TAX CREDIT.**

18 (a) WORK OPPORTUNITY TAX CREDIT.—

19 (1) IN GENERAL.—Section 51(d)(1) of the In-
 20 ternal Revenue Code of 1986 (relating to members
 21 of targeted groups) is amended by striking “or” at
 22 the end of subparagraph (G), by striking the period
 23 at the end of subparagraph (H) and inserting “or”,
 24 and by adding at the end the following:

1 “(I) a qualified long-term care facility
2 worker.”.

3 ~~(2) QUALIFIED LONG-TERM CARE FACILITY~~
4 ~~WORKER.~~—Section 51(d) of such Code is amended
5 by redesignating paragraphs (10) through (12) as
6 paragraphs (11) through (13), respectively, and by
7 inserting after paragraph (9) the following:

8 “(10) QUALIFIED LONG-TERM CARE FACILITY
9 WORKER.—The term ‘qualified long-term care facil-
10 ity worker’ means any individual who—

11 “(A) is hired by a long-term care facility
12 (as defined in paragraph (18) of section 2201
13 of the Social Security Act); and

14 “(B) is certified by the designated local
15 agency as being qualified to provide long-term
16 care (as defined in paragraph (17) of such sec-
17 tion 2201).”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall apply to individuals who begin work
20 for an employer after the date of enactment of this Act.

21 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) *SHORT TITLE.*—This Act may be cited as the
23 “Elder Justice Act”.

24 (b) *TABLE OF CONTENTS.*—The table of contents of this
25 Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Elder Justice.

“Subtitle 1—Block Grants to States for Social Services

“Subtitle 2—Elder Justice

“Sec. 2011. Definitions.
“Sec. 2012. General provisions.

*“PART A—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND
 RESEARCH*

*“SUBPART 1—ELDER JUSTICE COORDINATING COUNCIL AND ADVISORY BOARD
 ON ELDER ABUSE, NEGLECT, AND EXPLOITATION*

“Sec. 2021. Elder Justice Coordinating Council.
“Sec. 2022. Advisory Board on Elder Abuse, Neglect, and Exploitation.
“Sec. 2023. Research protections.
“Sec. 2024. Authorization of appropriations.

“SUBPART 2—ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS

“Sec. 2031. Establishment and support of elder abuse, neglect, and exploitation forensic centers.

“PART B—PROGRAMS TO PROMOTE ELDER JUSTICE

“Sec. 2041. Enhancement of long-term care.
“Sec. 2042. Adult protective services functions and grant programs.
“Sec. 2043. Long-term care ombudsman program grants and training.

*“PART C—COLLECTION OF DATA, DISSEMINATION OF INFORMATION, AND
 STUDIES*

“Sec. 2051. Collection of uniform national data on elder abuse, neglect, and exploitation.
“Sec. 2052. Long-term care consumer clearinghouse.
“Sec. 2053. Consumer information about the continuum of residential long-term care facilities.
“Sec. 2054. Provision of information regarding, and evaluations of, elder justice programs.
“Sec. 2055. Report.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The proportion of the United States popu-
 4 lation age 60 years or older will drastically increase
 5 in the next 30 years as more than 76,000,000 baby
 6 boomers approach retirement and old age.

1 (2) *Each year, anywhere between 500,000 and*
2 *5,000,000 elders in the United States are abused, ne-*
3 *glected, or exploited.*

4 (3) *Elder abuse, neglect, and exploitation have*
5 *no boundaries, and cross all racial, social class, gen-*
6 *der, and geographic lines.*

7 (4) *Victims of elder abuse, neglect, and exploi-*
8 *tation are not only subject to injury from mistreat-*
9 *ment and neglect, they are also 3.1 times more likely*
10 *than elders who were not victims of elder abuse, ne-*
11 *glect, and exploitation to die at an earlier age than*
12 *expected.*

13 (5) *There is a general dearth of data as to the*
14 *nature and scope of elder abuse, neglect, and exploi-*
15 *tation.*

16 (6) *Despite the dearth of data in the field, ex-*
17 *perts agree that most cases of elder abuse, neglect, and*
18 *exploitation are never reported and that abuse, ne-*
19 *glect, and exploitation shorten a victim's life, often*
20 *triggering a downward spiral of an otherwise produc-*
21 *tive, self-sufficient elder's life. Programs addressing*
22 *other difficult issues such as domestic violence and*
23 *child abuse and neglect have demonstrated the need*
24 *for a multifaceted law, combining public health, so-*
25 *cial service, and law enforcement approaches.*

1 (7) *For over 20 years, Congress has been pre-*
2 *sented with facts and testimony calling for a coordi-*
3 *nated Federal effort to combat elder abuse, neglect,*
4 *and exploitation.*

5 (8) *The Federal Government has been slow to re-*
6 *spond to the needs of victims of elder abuse, neglect,*
7 *and exploitation or to undertake prevention efforts.*

8 (9) *No Federal law has been enacted that ade-*
9 *quately and comprehensively addresses the issues of*
10 *elder abuse, neglect, and exploitation and there are*
11 *very limited resources available to those in the field*
12 *that directly deal with the issues.*

13 (10) *Differences in State laws and practices in*
14 *the areas of elder abuse, neglect, and exploitation lead*
15 *to significant disparities in prevention, protective*
16 *and social services, treatment systems, and law en-*
17 *forcement, and lead to other inequities.*

18 (11) *The Federal Government has played an im-*
19 *portant role in promoting research, training, public*
20 *safety, and data collection, and the identification, de-*
21 *velopment, and dissemination of promising health*
22 *care, social, and protective services, and law enforce-*
23 *ment practices, relating to child abuse and neglect,*
24 *domestic violence, and violence against women. The*
25 *Federal Government should promote similar efforts*

1 *and protections relating to elder abuse, neglect, and*
2 *exploitation.*

3 *(12) The Federal Government should provide*
4 *leadership and assist States and communities in their*
5 *efforts to protect elders in the United States by—*

6 *(A) promoting coordinated planning among*
7 *all levels of government;*

8 *(B) generating and sharing knowledge rel-*
9 *evant to protecting elders;*

10 *(C) providing leadership to combat the*
11 *abuse, neglect, and exploitation of the Nation's*
12 *elders; and*

13 *(D) providing resources to States and com-*
14 *munities to promote elder justice.*

15 *(13) The problem of elder abuse, neglect, and ex-*
16 *ploitation requires a comprehensive approach that—*

17 *(A) integrates the work of health, legal, and*
18 *social service agencies and organizations;*

19 *(B) emphasizes the need for prevention, re-*
20 *porting, investigation, assessment, treatment,*
21 *and prosecution of elder abuse, neglect, and ex-*
22 *ploitation at all levels of government;*

23 *(C) ensures that sufficient numbers of prop-*
24 *erly trained personnel with specialized knowledge*
25 *are in place to—*

1 (i) treat, assess, and provide services
 2 relating to elder abuse, neglect, and exploi-
 3 tation; and

4 (ii) carry out elder protection duties;
 5 (D) is sensitive to ethnic and cultural diver-
 6 sity;

7 (E) recognizes the role of mental health, dis-
 8 ability, dementia, substance abuse, medication
 9 mismanagement, and family dysfunction prob-
 10 lems in increasing and exacerbating elder abuse,
 11 neglect, and exploitation; and

12 (F) balances elders' right to self-determina-
 13 tion with society's responsibility to protect el-
 14 ders.

15 (14) The human, social, and economic cost of
 16 elder abuse, neglect, and exploitation is high and in-
 17 cludes unnecessary expenditures of funds from many
 18 public programs.

19 (15) The failure to coordinate activities relating
 20 to, and comprehensively prevent and treat, elder
 21 abuse, neglect, and exploitation threatens the future
 22 and well-being of millions of elders in the United
 23 States.

24 (16) All elements of society in the United States
 25 have a shared responsibility in responding to a na-

1 *tional problem of elder abuse, neglect, and exploi-*
2 *tation.*

3 **SEC. 3. PURPOSES.**

4 *The purposes of this Act are as follows:*

5 (1) *To enhance the social security of the Nation*
6 *by ensuring adequate public-private infrastructure*
7 *and resolve to prevent, detect, treat, understand, and*
8 *intervene in, and where appropriate, aid in the pros-*
9 *ecution of, elder abuse, neglect, and exploitation.*

10 (2) *To bring a comprehensive approach to pre-*
11 *venting and combating elder abuse, neglect, and ex-*
12 *ploitation, a long invisible problem that afflicts the*
13 *most vulnerable among the aging population of the*
14 *United States.*

15 (3) *To raise the issue of elder abuse, neglect, and*
16 *exploitation to national attention, and to create the*
17 *infrastructure at the Federal, State, and local levels,*
18 *to ensure that individuals and organizations on the*
19 *front lines, who are fighting elder abuse, neglect, and*
20 *exploitation with scarce resources and fragmented sys-*
21 *tems, have the resources and information needed to*
22 *carry out their fight.*

23 (4) *To bring a comprehensive multidisciplinary*
24 *approach to elder justice.*

1 (5) *To set in motion research and data collection*
 2 *to fill gaps in knowledge about elder abuse, neglect,*
 3 *and exploitation.*

4 (6) *To supplement the activities of service pro-*
 5 *viders and programs, to enhance training, and to le-*
 6 *verage scarce resources efficiently, in order to ensure*
 7 *that elder justice receives the attention it deserves as*
 8 *the Nation's population ages.*

9 (7) *To recognize and address the role of mental*
 10 *health, disability, dementia, substance abuse, medica-*
 11 *tion mismanagement, and family dysfunction prob-*
 12 *lems in increasing and exacerbating elder abuse, ne-*
 13 *glect, and exploitation.*

14 (8) *To create short- and long-term strategic*
 15 *plans for the development and coordination of elder*
 16 *justice research, programs, studies, training, and*
 17 *other efforts nationwide.*

18 (9) *To promote collaborative efforts and dimin-*
 19 *ish overlap and gaps in efforts in developing the im-*
 20 *portant field of elder justice.*

21 (10) *To honor and respect the right of all indi-*
 22 *viduals with diminished capacity to decisionmaking*
 23 *autonomy, self-determination, and dignity of choice.*

24 (11) *To respect the wishes of individuals with di-*
 25 *minished capacity and their family members in pro-*

1 *viding supportive services and care plans intended to*
 2 *protect elders from abuse, neglect (including self-ne-*
 3 *glect), and exploitation.*

4 **SEC. 4. DEFINITIONS.**

5 *Except as otherwise specifically provided, any term*
 6 *that is defined in section 2011 of the Social Security Act*
 7 *(as added by section 5(a)) and that is used in this Act has*
 8 *the meaning given such term by such title.*

9 **SEC. 5. ELDER JUSTICE.**

10 *(a) ELDER JUSTICE.—*

11 *(1) IN GENERAL.—Title XX of the Social Secu-*
 12 *urity Act (42 U.S.C. 1397 et seq.) is amended—*

13 *(A) in the heading, by inserting “**AND***
 14 ***ELDER JUSTICE*” after “**SOCIAL**
 15 ***SERVICES*”;****

16 *(B) by inserting before section 2001 the fol-*
 17 *lowing:*

18 ***“Subtitle 1—Block Grants to States***
 19 ***for Social Services”; and***

20 *(C) by adding at the end the following:*

21 ***“Subtitle 2—Elder Justice***

22 ***“SEC. 2011. DEFINITIONS.***

23 *“In this subtitle:*

24 *“(1) ABUSE.—The term ‘abuse’ means the know-*
 25 *ing infliction of physical or psychological harm or the*

1 *knowing deprivation of goods or services that are nec-*
 2 *essary to meet essential needs or to avoid physical or*
 3 *psychological harm.*

4 “(2) *ADULT PROTECTIVE SERVICES.*—*The term*
 5 *‘adult protective services’ means such services pro-*
 6 *vided to adults as the Secretary may specify and in-*
 7 *cludes services such as—*

8 “(A) *disseminating reports of adult abuse,*
 9 *neglect, or exploitation;*

10 “(B) *investigating the reports described in*
 11 *subparagraph (A);*

12 “(C) *case planning, monitoring, evaluation,*
 13 *and other case work and services; and*

14 “(D) *providing, arranging for, or facili-*
 15 *tating the provision of medical, social service,*
 16 *economic, legal, housing, law enforcement, or*
 17 *other protective, emergency, or support services.*

18 “(3) *CAREGIVER.*—*The term ‘caregiver’ means*
 19 *an individual who has the responsibility for the care*
 20 *of an elder, either voluntarily, by contract, by receipt*
 21 *of payment for care, or as a result of the operation*
 22 *of law, and means a family member or other indi-*
 23 *vidual who provides (on behalf of such individual or*
 24 *of a public or private agency, organization, or insti-*

1 *tution) compensated or uncompensated care to an*
 2 *elder who needs supportive services in any setting.*

3 “(4) *DIRECT CARE.*—*The term ‘direct care’*
 4 *means care by an employee or contractor who pro-*
 5 *vides assistance or long-term care services to a recipi-*
 6 *ent.*

7 “(5) *ELDER.*—*The term ‘elder’ means an indi-*
 8 *vidual age 60 or older.*

9 “(6) *ELDER JUSTICE.*—*The term ‘elder justice’*
 10 *means—*

11 “(A) *from a societal perspective, efforts to—*

12 “(i) *prevent, detect, treat, intervene in,*
 13 *and prosecute elder abuse, neglect, and ex-*
 14 *ploitation; and*

15 “(ii) *protect elders with diminished ca-*
 16 *capacity while maximizing their autonomy;*
 17 *and*

18 “(B) *from an individual perspective, the*
 19 *recognition of an elder’s rights, including the*
 20 *right to be free of abuse, neglect, and exploi-*
 21 *tation.*

22 “(7) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
 23 *ty’ means a State or local government agency, Indian*
 24 *tribe or tribal organization, or any other public or*
 25 *private entity that is engaged in and has expertise in*

1 *issues relating to elder justice or in a field necessary*
 2 *to promote elder justice efforts.*

3 “(8) *EXPLOITATION.*—*The term ‘exploitation’*
 4 *means the fraudulent or otherwise illegal, unauthor-*
 5 *ized, or improper act or process of an individual, in-*
 6 *cluding a caregiver or fiduciary, that uses the re-*
 7 *sources of an elder for monetary or personal benefit,*
 8 *profit, or gain, or that results in depriving an elder*
 9 *of rightful access to, or use of, benefits, resources, be-*
 10 *longings, or assets.*

11 “(9) *FIDUCIARY.*—*The term ‘fiduciary’—*

12 “(A) *means a person or entity with the*
 13 *legal responsibility—*

14 “(i) *to make decisions on behalf of and*
 15 *for the benefit of another person; and*

16 “(ii) *to act in good faith and with*
 17 *fairness; and*

18 “(B) *includes a trustee, a guardian, a con-*
 19 *servator, an executor, an agent under a financial*
 20 *power of attorney or health care power of attor-*
 21 *ney, or a representative payee.*

22 “(10) *GRANT.*—*The term ‘grant’ includes a con-*
 23 *tract, cooperative agreement, or other mechanism for*
 24 *providing financial assistance.*

1 “(11) *GUARDIANSHIP*.—The term ‘guardianship’
2 *means—*

3 “(A) *the process by which a State court de-*
4 *termines that an adult individual lacks capacity*
5 *to make decisions about self-care and property,*
6 *and appoints another individual or entity*
7 *known as a guardian, as a conservator, or by a*
8 *similar term, as a surrogate decisionmaker;*

9 “(B) *the manner in which the court-ap-*
10 *pointed surrogate decisionmaker carries out du-*
11 *ties to the individual and the court; or*

12 “(C) *the manner in which the court exer-*
13 *cises oversight of the surrogate decisionmaker.*

14 “(12) *INDIAN TRIBE*.—

15 “(A) *IN GENERAL*.—The term ‘Indian tribe’
16 *has the meaning given such term in section 4 of*
17 *the Indian Self-Determination and Education*
18 *Assistance Act (25 U.S.C. 450b).*

19 “(B) *INCLUSION OF PUEBLO AND*
20 *RANCHERIA*.—The term ‘Indian tribe’ includes
21 *any Pueblo or Rancheria.*

22 “(13) *LAW ENFORCEMENT*.—The term ‘law en-

23 *forcement’ means the full range of potential respond-*
24 *ers to elder abuse, neglect, and exploitation includ-*
25 *ing—*

1 “(A) *police, sheriffs, detectives, public safety*
 2 *officers, and corrections personnel;*

3 “(B) *prosecutors;*

4 “(C) *medical examiners;*

5 “(D) *investigators; and*

6 “(E) *coroners.*

7 “(14) *LONG-TERM CARE.—*

8 “(A) *IN GENERAL.—The term ‘long-term*
 9 *care’ means supportive and health services speci-*
 10 *fied by the Secretary for individuals who need*
 11 *assistance because the individuals have a loss of*
 12 *capacity for self-care due to illness, disability, or*
 13 *vulnerability.*

14 “(B) *LOSS OF CAPACITY FOR SELF-CARE.—*
 15 *For purposes of subparagraph (A), the term ‘loss*
 16 *of capacity for self-care’ means an inability to*
 17 *engage in 1 or more activities of daily living, in-*
 18 *cluding eating, dressing, bathing, and manage-*
 19 *ment of one’s financial affairs.*

20 “(15) *LONG-TERM CARE FACILITY.—The term*
 21 *‘long-term care facility’ means a residential care pro-*
 22 *vider that arranges for, or directly provides, long-*
 23 *term care.*

24 “(16) *NEGLECT.—The term ‘neglect’ means—*

1 “(A) *the failure of a caregiver or fiduciary*
 2 *to provide the goods or services that are nec-*
 3 *essary to maintain the health or safety of an*
 4 *elder; or*

5 “(B) *self-neglect.*

6 “(17) *NURSING FACILITY.—*

7 “(A) *IN GENERAL.—The term ‘nursing fa-*
 8 *cility’ has the meaning given such term under*
 9 *section 1919(a).*

10 “(B) *INCLUSION OF SKILLED NURSING FA-*
 11 *CILITY.—The term ‘nursing facility’ includes a*
 12 *skilled nursing facility (as defined in section*
 13 *1819(a))*

14 “(18) *SELF-NEGLECT.—The term ‘self-neglect’*
 15 *means an adult’s inability, due to physical or mental*
 16 *impairment or diminished capacity, to perform essen-*
 17 *tial self-care tasks including—*

18 “(A) *obtaining essential food, clothing, shel-*
 19 *ter, and medical care;*

20 “(B) *obtaining goods and services necessary*
 21 *to maintain physical health, mental health, or*
 22 *general safety; or*

23 “(C) *managing one’s own financial affairs.*

24 “(19) *SERIOUS BODILY INJURY.—*

1 “(A) *IN GENERAL.*—The term ‘serious bodily injury’ means an injury—

2 “(i) involving extreme physical pain;

3 “(ii) involving substantial risk of

4 death;

5 “(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

6 “(iv) requiring medical intervention

7 such as surgery, hospitalization, or physical

8 rehabilitation.

9 “(B) *CRIMINAL SEXUAL ABUSE.*—Serious

10 bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18, United States Code, or any

11 similar offense under State law.

12 “(20) *SOCIAL.*—The term ‘social’, when used

13 with respect to a service, includes adult protective

14 services.

15 “(21) *STATE LEGAL ASSISTANCE DEVELOPER.*—

16 The term ‘State legal assistance developer’ means an

17 individual described in section 731 of the Older

18 Americans Act of 1965.

1 “(22) *STATE LONG-TERM CARE OMBUDSMAN.*—
 2 *The term ‘State Long-Term Care Ombudsman’ means*
 3 *the State Long-Term Care Ombudsman described in*
 4 *section 712(a)(2) of the Older Americans Act of 1965.*

5 **“SEC. 2012. GENERAL PROVISIONS.**

6 “(a) *PROTECTION OF PRIVACY.*—*In pursuing activi-*
 7 *ties under this subtitle, the Secretary shall ensure the pro-*
 8 *tection of individual health privacy consistent with the reg-*
 9 *ulations promulgated under section 264(c) of the Health In-*
 10 *surance Portability and Accountability Act of 1996 and ap-*
 11 *plicable State and local privacy regulations.*

12 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this sub-*
 13 *title shall be construed to interfere with or abridge an elder’s*
 14 *right to practice his or her religion through reliance on*
 15 *prayer alone for healing when this choice—*

16 “(1) *is contemporaneously expressed, either oral-*
 17 *ly or in writing, with respect to a specific illness or*
 18 *injury which the elder has at the time of the decision*
 19 *by an elder who is competent at the time of the deci-*
 20 *sion;*

21 “(2) *is previously set forth in a living will,*
 22 *health care proxy, or other advance directive docu-*
 23 *ment that is validly executed and applied under State*
 24 *law; or*

1 “(3) may be unambiguously deduced from the el-
2 der’s life history.

3 **“PART A—NATIONAL COORDINATION OF ELDER**
4 **JUSTICE ACTIVITIES AND RESEARCH**

5 **“Subpart 1—Elder Justice Coordinating Council and**
6 **Advisory Board on Elder Abuse, Neglect, and Ex-**
7 **ploitation**

8 **“SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.**

9 “(a) *ESTABLISHMENT.*—There is established within
10 the Office of the Secretary an Elder Justice Coordinating
11 Council (in this section referred to as the ‘Council’).

12 “(b) *MEMBERSHIP.*—

13 “(1) *IN GENERAL.*—The Council shall be com-
14 posed of the following members:

15 “(A) The Secretary (or the Secretary’s des-
16 ignee).

17 “(B) The Attorney General (or the Attorney
18 General’s designee).

19 “(C) The head of each Federal department
20 or agency or other governmental entity identified
21 by the Chair referred to in subsection (d) as hav-
22 ing responsibilities, or administering programs,
23 relating to elder abuse, neglect, and exploitation.

1 “(2) *REQUIREMENT.*—*Each member of the Coun-*
 2 *cil shall be an officer or employee of the Federal Gov-*
 3 *ernment.*

4 “(c) *VACANCIES.*—*Any vacancy in the Council shall*
 5 *not affect its powers, but shall be filled in the same manner*
 6 *as the original appointment was made.*

7 “(d) *CHAIR.*—*The member described in subsection*
 8 *(b)(1)(A) shall be Chair of the Council.*

9 “(e) *MEETINGS.*—*The Council shall meet at least 2*
 10 *times per year, as determined by the Chair.*

11 “(f) *DUTIES.*—

12 “(1) *IN GENERAL.*—*The Council shall make rec-*
 13 *ommendations to the Secretary for the coordination of*
 14 *activities of the Department of Health and Human*
 15 *Services, the Department of Justice, and other rel-*
 16 *evant Federal, State, local, and private agencies and*
 17 *entities, relating to elder abuse, neglect, and exploi-*
 18 *tation and other crimes against elders.*

19 “(2) *REPORT.*—*Not later than the date that is 2*
 20 *years after the date of enactment of the Elder Justice*
 21 *Act and every 2 years thereafter, the Council shall*
 22 *submit to the Committee on Finance of the Senate*
 23 *and the Committee on Ways and Means and the Com-*
 24 *mittee on Energy and Commerce of the House of Rep-*
 25 *resentatives a report that—*

1 “(A) describes the activities and accomplish-
2 ments of, and challenges faced by—

3 “(i) the Council; and

4 “(ii) the entities represented on the
5 Council; and

6 “(B) makes such recommendations for legis-
7 lation, model laws, or other action as the Council
8 determines to be appropriate.

9 “(g) POWERS OF THE COUNCIL.—

10 “(1) INFORMATION FROM FEDERAL AGENCIES.—
11 Subject to the requirements of section 2012(a), the
12 Council may secure directly from any Federal depart-
13 ment or agency such information as the Council con-
14 siders necessary to carry out this section. Upon re-
15 quest of the Chair of the Council, the head of such de-
16 partment or agency shall furnish such information to
17 the Council.

18 “(2) POSTAL SERVICES.—The Council may use
19 the United States mails in the same manner and
20 under the same conditions as other departments and
21 agencies of the Federal Government.

22 “(h) TRAVEL EXPENSES.—The members of the Council
23 shall not receive compensation for the performance of serv-
24 ices for the Council. The members shall be allowed travel
25 expenses, including per diem in lieu of subsistence, at rates

1 *authorized for employees of agencies under subchapter I of*
 2 *chapter 57 of title 5, United States Code, while away from*
 3 *their homes or regular places of business in the performance*
 4 *of services for the Council. Notwithstanding section 1342*
 5 *of title 31, United States Code, the Secretary may accept*
 6 *the voluntary and uncompensated services of the members*
 7 *of the Council.*

8 “(i) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*
 9 *Federal Government employee may be detailed to the Coun-*
 10 *cil without reimbursement, and such detail shall be without*
 11 *interruption or loss of civil service status or privilege.*

12 “(j) *STATUS AS PERMANENT COUNCIL.—Section 14 of*
 13 *the Federal Advisory Committee Act (5 U.S.C. App.) shall*
 14 *not apply to the Council.*

15 **“SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT,**
 16 **AND EXPLOITATION.**

17 “(a) *ESTABLISHMENT.—There is established a board*
 18 *to be known as the ‘Advisory Board on Elder Abuse, Neglect,*
 19 *and Exploitation’ (in this section referred to as the ‘Advi-*
 20 *sory Board’)* *to create short- and long-term multidisci-*
 21 *plinary strategic plans for the development of the field of*
 22 *elder justice and to make recommendations to the Elder*
 23 *Justice Coordinating Council established under section*
 24 *2021.*

1 “(b) *COMPOSITION.*—*The Advisory Board shall be*
 2 *composed of 27 members appointed by the Secretary from*
 3 *among members of the general public who are individuals*
 4 *with experience and expertise in elder abuse, neglect, and*
 5 *exploitation prevention, detection, treatment, intervention,*
 6 *or prosecution.*

7 “(c) *SOLICITATION OF NOMINATIONS.*—*The Secretary*
 8 *shall publish a notice in the Federal Register soliciting*
 9 *nominations for the appointment of members of the Advi-*
 10 *sory Board under subsection (b).*

11 “(d) *TERMS.*—

12 “(1) *IN GENERAL.*—*Each member of the Advi-*
 13 *sory Board shall be appointed for a term of 3 years,*
 14 *except that, of the members first appointed—*

15 “(A) *9 shall be appointed for a term of 3*
 16 *years;*

17 “(B) *9 shall be appointed for a term of 2*
 18 *years; and*

19 “(C) *9 shall be appointed for a term of 1*
 20 *year.*

21 “(2) *VACANCIES.*—

22 “(A) *IN GENERAL.*—*Any vacancy on the*
 23 *Advisory Board shall not affect its powers, but*
 24 *shall be filled in the same manner as the original*
 25 *appointment was made.*

1 “(B) *FILLING UNEXPIRED TERM.*—An indi-
 2 vidual chosen to fill a vacancy shall be ap-
 3 pointed for the unexpired term of the member re-
 4 placed.

5 “(3) *EXPIRATION OF TERMS.*—The term of any
 6 member shall not expire before the date on which the
 7 member’s successor takes office.

8 “(e) *ELECTION OF OFFICERS.*—The Advisory Board
 9 shall elect a Chair and Vice Chair from among its members.
 10 The Advisory Board shall elect its initial Chair and Vice
 11 Chair at its initial meeting.

12 “(f) *DUTIES.*—

13 “(1) *ENHANCE COMMUNICATION ON PROMOTING*
 14 *QUALITY OF, AND PREVENTING ABUSE AND NEGLECT*
 15 *IN, LONG-TERM CARE.*—The Advisory Board shall de-
 16 velop collaborative and innovative approaches to im-
 17 prove the quality of, including preventing abuse and
 18 neglect in, long-term care.

19 “(2) *COLLABORATIVE EFFORTS TO DEVELOP*
 20 *CONSENSUS AROUND THE MANAGEMENT OF CERTAIN*
 21 *QUALITY-RELATED FACTORS.*—

22 “(A) *IN GENERAL.*—The Advisory Board
 23 shall establish multidisciplinary panels to ad-
 24 dress, and develop consensus on, subjects relating
 25 to improving the quality of long-term care. At

1 *least 1 such panel shall address, and develop con-*
 2 *sensus on, methods for managing resident-to-resi-*
 3 *dent abuse in long-term care.*

4 *“(B) ACTIVITIES CONDUCTED.—The multi-*
 5 *disciplinary panels established under subpara-*
 6 *graph (A) shall examine relevant research and*
 7 *data, identify best practices with respect to the*
 8 *subject of the panel, determine the best way to*
 9 *carry out those best practices in a practical and*
 10 *feasible manner, and determine an effective man-*
 11 *ner of distributing information on such subject.*

12 *“(3) REPORT.—Not later than the date that is*
 13 *18 months after the date of enactment of the Elder*
 14 *Justice Act, and annually thereafter, the Advisory*
 15 *Board shall prepare and submit to the Elder Justice*
 16 *Coordinating Council, the Committee on Finance of*
 17 *the Senate, and the Committee on Ways and Means*
 18 *and the Committee on Energy and Commerce of the*
 19 *House of Representatives a report containing—*

20 *“(A) information on the status of Federal,*
 21 *State, and local public and private elder justice*
 22 *activities;*

23 *“(B) recommendations (including rec-*
 24 *ommended priorities) regarding—*

1 “(i) elder justice programs, research,
2 training, services, practice, enforcement,
3 and coordination;

4 “(ii) coordination between entities pur-
5 suing elder justice efforts and those involved
6 in related areas that may inform or overlap
7 with elder justice efforts, such as activities
8 to combat violence against women and child
9 abuse and neglect; and

10 “(iii) activities relating to adult fidu-
11 ciary systems, including guardianship and
12 other fiduciary arrangements;

13 “(C) recommendations for specific modifica-
14 tions needed in Federal and State laws (includ-
15 ing regulations) or for programs, research, and
16 training to enhance prevention, detection, and
17 treatment (including diagnosis) of, intervention
18 in (including investigation of), and prosecution
19 of elder abuse, neglect, and exploitation;

20 “(D) recommendations on methods for the
21 most effective coordinated national data collec-
22 tion with respect to elder justice, and elder abuse,
23 neglect, and exploitation; and

1 “(E) *recommendations for a multidisci-*
 2 *plinary strategic plan to guide the effective and*
 3 *efficient development of the field of elder justice.*

4 “(g) *POWERS OF THE ADVISORY BOARD.—*

5 “(1) *INFORMATION FROM FEDERAL AGENCIES.—*
 6 *Subject to the requirements of section 2012(a), the Ad-*
 7 *visory Board may secure directly from any Federal*
 8 *department or agency such information as the Advi-*
 9 *sory Board considers necessary to carry out this sec-*
 10 *tion. Upon request of the Chair of the Advisory*
 11 *Board, the head of such department or agency shall*
 12 *furnish such information to the Advisory Board.*

13 “(2) *SHARING OF DATA AND REPORTS.—The Ad-*
 14 *visory Board may request from any entity pursuing*
 15 *elder justice activities under the Elder Justice Act or*
 16 *an amendment made by that Act, any data, reports,*
 17 *or recommendations generated in connection with*
 18 *such activities.*

19 “(3) *POSTAL SERVICES.—The Advisory Board*
 20 *may use the United States mails in the same manner*
 21 *and under the same conditions as other departments*
 22 *and agencies of the Federal Government.*

23 “(h) *TRAVEL EXPENSES.—The members of the Advi-*
 24 *sory Board shall not receive compensation for the perform-*
 25 *ance of services for the Advisory Board. The members shall*

1 *be allowed travel expenses for up to 4 meetings per year,*
 2 *including per diem in lieu of subsistence, at rates author-*
 3 *ized for employees of agencies under subchapter I of chapter*
 4 *57 of title 5, United States Code, while away from their*
 5 *homes or regular places of business in the performance of*
 6 *services for the Advisory Board. Notwithstanding section*
 7 *1342 of title 31, United States Code, the Secretary may ac-*
 8 *cept the voluntary and uncompensated services of the mem-*
 9 *bers of the Advisory Board.*

10 “(i) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*
 11 *Federal Government employee may be detailed to the Advi-*
 12 *sory Board without reimbursement, and such detail shall*
 13 *be without interruption or loss of civil service status or*
 14 *privilege.*

15 “(j) *STATUS AS PERMANENT ADVISORY COMMITTEE.—*
 16 *Section 14 of the Federal Advisory Committee Act (5 U.S.C.*
 17 *App.) shall not apply to the advisory board.*

18 **“SEC. 2023. RESEARCH PROTECTIONS.**

19 “(a) *GUIDELINES.—The Secretary shall promulgate*
 20 *guidelines to assist researchers working in the area of elder*
 21 *abuse, neglect, and exploitation, with issues relating to*
 22 *human subject protections.*

23 “(b) *DEFINITION OF LEGALLY AUTHORIZED REP-*
 24 *RESENTATIVE FOR APPLICATION OF REGULATIONS.—For*
 25 *purposes of the application of subpart A of part 46 of title*

1 45, Code of Federal Regulations, to research conducted
 2 under this subpart, the term ‘legally authorized representa-
 3 tive’ means, unless otherwise provided by law, the indi-
 4 vidual or judicial or other body authorized under the appli-
 5 cable law to consent to medical treatment on behalf of an-
 6 other person.

7 **“SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated to carry out
 9 this subpart—

10 “(1) for fiscal year 2007, \$6,500,000; and

11 “(2) for each of fiscal years 2008 through 2010,
 12 \$7,000,000.

13 **“Subpart 2—Elder Abuse, Neglect, and Exploitation**
 14 **Forensic Centers**

15 **“SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER**
 16 **ABUSE, NEGLECT, AND EXPLOITATION FO-**
 17 **RENSIC CENTERS.**

18 “(a) *IN GENERAL.*—The Secretary, in consultation
 19 with the Attorney General, shall make grants to eligible en-
 20 tities to establish and operate stationary and mobile foren-
 21 sic centers, to develop forensic expertise regarding, and pro-
 22 vide services relating to, elder abuse, neglect, and exploi-
 23 tation.

24 “(b) *STATIONARY FORENSIC CENTERS.*—The Sec-
 25 retary shall make 4 of the grants described in subsection

1 *(a) to institutions of higher education with demonstrated*
 2 *expertise in forensics or commitment to preventing or treat-*
 3 *ing elder abuse, neglect, or exploitation, to establish and*
 4 *operate stationary forensic centers.*

5 “(c) *MOBILE CENTERS.*—*The Secretary shall make* 6
 6 *of the grants described in subsection (a) to appropriate enti-*
 7 *ties to establish and operate mobile forensic centers.*

8 “(d) *AUTHORIZED ACTIVITIES.*—

9 “(1) *DEVELOPMENT OF FORENSIC MARKERS AND*
 10 *METHODOLOGIES.*—*An eligible entity that receives a*
 11 *grant under this section shall use funds made avail-*
 12 *able through the grant to assist in determining wheth-*
 13 *er abuse, neglect, or exploitation occurred and whether*
 14 *a crime was committed and to conduct research to de-*
 15 *scribe and disseminate information on—*

16 “(A) *forensic markers that indicate a case*
 17 *in which elder abuse, neglect, or exploitation*
 18 *may have occurred; and*

19 “(B) *methodologies for determining, in such*
 20 *a case, when and how health care, emergency*
 21 *service, social and protective services, and legal*
 22 *service providers should intervene and when the*
 23 *providers should report the case to law enforce-*
 24 *ment authorities.*

1 “(2) *DEVELOPMENT OF FORENSIC EXPERTISE.*—

2 *An eligible entity that receives a grant under this sec-*
 3 *tion shall use funds made available through the grant*
 4 *to develop forensic expertise regarding elder abuse, ne-*
 5 *glect, and exploitation in order to provide medical*
 6 *and forensic evaluation, therapeutic intervention, vic-*
 7 *tim support and advocacy, case review, and case*
 8 *tracking.*

9 “(3) *COLLECTION OF EVIDENCE.*—*The Secretary,*
 10 *in coordination with the Attorney General, shall use*
 11 *data made available by grant recipients under this*
 12 *section to develop the capacity of geriatric health care*
 13 *professionals and law enforcement to collect forensic*
 14 *evidence, including collecting forensic evidence relat-*
 15 *ing to a potential determination of elder abuse, ne-*
 16 *glect, or exploitation.*

17 “(e) *APPLICATION.*—*To be eligible to receive a grant*
 18 *under this section, an entity shall submit an application*
 19 *to the Secretary at such time, in such manner, and con-*
 20 *taining such information as the Secretary may require.*

21 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 22 *authorized to be appropriated to carry out this section—*

23 “(1) *for fiscal year 2007, \$4,000,000;*

24 “(2) *for fiscal year 2008, \$6,000,000; and*

1 “(3) for each of fiscal years 2009 and 2010,
2 \$8,000,000.

3 **“PART B—PROGRAMS TO PROMOTE ELDER**

4 **JUSTICE**

5 **“SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.**

6 “(a) GRANTS AND INCENTIVES FOR LONG-TERM CARE
7 STAFFING.—

8 “(1) IN GENERAL.—The Secretary shall carry
9 out activities, including activities described in para-
10 graphs (2) and (3), to provide incentives for individ-
11 uals to train for, seek, and maintain employment
12 providing direct care in a long-term care facility.

13 “(2) SPECIFIC PROGRAMS TO ENHANCE TRAIN-
14 ING, RECRUITMENT, AND RETENTION OF STAFF.—

15 “(A) COORDINATION WITH OTHER PRO-
16 GRAMS TO RECRUIT AND TRAIN LONG-TERM CARE
17 STAFF.—The Secretary shall coordinate activities
18 under this subsection with the Secretary of Labor
19 and the Assistant Secretary for the Administra-
20 tion for Children and Families in order to pro-
21 vide incentives to participants in programs car-
22 ried out under part A of title IV to train for and
23 seek employment providing direct care in a long-
24 term care facility.

1 “(B) *CAREER LADDERS AND WAGE OR BEN-*
2 *EFIT INCREASES TO INCREASE STAFFING IN*
3 *LONG-TERM CARE FACILITIES.*—

4 “(i) *IN GENERAL.*—*The Secretary shall*
5 *make grants to long-term care facilities to*
6 *carry out programs through which the fa-*
7 *cilities—*

8 “(I) *offer, to employees who pro-*
9 *vide direct care to residents of a long-*
10 *term care facility, continuing training*
11 *and varying levels of certification,*
12 *based on observed clinical care prac-*
13 *tices and the amount of time the em-*
14 *ployees spend providing direct care;*
15 *and*

16 “(II) *provide, or make arrange-*
17 *ments to provide, bonuses or other in-*
18 *creased compensation or benefits to em-*
19 *ployees who achieve certification under*
20 *such a program.*

21 “(ii) *APPLICATION.*—*To be eligible to*
22 *receive a grant under this subparagraph, a*
23 *long-term care facility shall submit an ap-*
24 *plication to the Secretary at such time, in*
25 *such manner, and containing such informa-*

tion as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

“(iii) *AUTHORITY TO LIMIT NUMBER OF APPLICANTS.*—Nothing in this subparagraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subparagraph.

“(3) *SPECIFIC PROGRAMS TO IMPROVE MANAGEMENT PRACTICES.*—

“(A) *IN GENERAL.*—The Secretary shall make grants to long-term care facilities to enable the facilities to provide training and technical assistance to eligible employees.

“(B) *AUTHORIZED ACTIVITIES.*—A long-term care facility that receives a grant under subparagraph (A) shall use funds made available through the grant to provide training and technical assistance to eligible employees regarding management practices using methods that are demonstrated to promote retention of individuals

1 *who provide direct care to residents of the long-*
 2 *term care facility, such as—*

3 “(i) *the establishment of standard*
 4 *human resource policies that reward high*
 5 *performance, including policies that provide*
 6 *for improved wages and benefits on the*
 7 *basis of job reviews;*

8 “(ii) *the establishment of motivational*
 9 *and thoughtful work organization practices;*

10 “(iii) *the creation of a workplace cul-*
 11 *ture that respects and values caregivers and*
 12 *their needs;*

13 “(iv) *the promotion of a workplace cul-*
 14 *ture that respects the rights of residents of*
 15 *a long-term care facility and results in im-*
 16 *proved care for the residents; and*

17 “(v) *the establishment of other pro-*
 18 *grams that promote the provision of high*
 19 *quality care, such as a continuing edu-*
 20 *cation program that provides additional*
 21 *hours of training, including on-the-job*
 22 *training, for employees who are certified*
 23 *nurse aides.*

24 “(C) *APPLICATION.—To be eligible to re-*
 25 *ceive a grant under this paragraph, a long-term*

1 *care facility shall submit an application to the*
 2 *Secretary at such time, in such manner, and*
 3 *containing such information as the Secretary*
 4 *may require (which may include evidence of con-*
 5 *sultation with the State in which the long-term*
 6 *care facility is located with respect to carrying*
 7 *out activities funded under the grant).*

8 *“(D) AUTHORITY TO LIMIT NUMBER OF AP-*
 9 *PLICANTS.—Nothing in this paragraph shall be*
 10 *construed as prohibiting the Secretary from lim-*
 11 *iting the number of applicants for a grant under*
 12 *this paragraph.*

13 *“(E) ELIGIBLE EMPLOYEE DEFINED.—In*
 14 *this paragraph, the term ‘eligible employee’*
 15 *means an individual who establishes or imple-*
 16 *ments management practices applicable with re-*
 17 *spect to individuals who provide direct care to*
 18 *residents of a long-term care facility and in-*
 19 *cludes administrators, directors of nursing, staff*
 20 *developers, and charge nurses.*

21 *“(4) ACCOUNTABILITY MEASURES.—The Sec-*
 22 *retary shall develop accountability measures to ensure*
 23 *that the activities conducted using funds made avail-*
 24 *able under this subsection benefit eligible employees*

1 *and increase the stability of the long-term care work-*
 2 *force.*

3 “(b) *INFORMATICS SYSTEMS GRANT PROGRAM.*—

4 “(1) *GRANTS AUTHORIZED.*—*The Secretary is*
 5 *authorized to make grants to long-term care facilities*
 6 *for the purpose of assisting such entities in offsetting*
 7 *the costs related to purchasing, leasing, developing,*
 8 *and implementing standardized clinical health care*
 9 *informatics systems designed to improve patient safe-*
 10 *ty and reduce adverse events and health care com-*
 11 *plications resulting from medication errors.*

12 “(2) *USE OF GRANT FUNDS.*—*Funds provided*
 13 *under grants under this subsection may be used for*
 14 *any of the following:*

15 “(A) *Purchasing, leasing, and installing*
 16 *computer software and hardware, including*
 17 *handheld computer technologies.*

18 “(B) *Making improvements to existing com-*
 19 *puter software and hardware.*

20 “(C) *Making upgrades and other improve-*
 21 *ments to existing computer software and hard-*
 22 *ware to enable e-prescribing.*

23 “(D) *Providing education and training to*
 24 *eligible long-term care facility staff on the use of*

1 *technology to implement the electronic trans-*
 2 *mission of prescription and patient information.*

3 “(3) *APPLICATION.—To be eligible to receive a*
 4 *grant under this subsection, a long-term care facility*
 5 *shall submit an application to the Secretary at such*
 6 *time, in such manner, and containing such informa-*
 7 *tion as the Secretary may require (which may in-*
 8 *clude evidence of consultation with the State in which*
 9 *the long-term care facility is located with respect to*
 10 *carrying out activities funded under the grant).*

11 “(4) *AUTHORITY TO LIMIT NUMBER OF APPLI-*
 12 *CANTS.—Nothing in this subsection shall be construed*
 13 *as prohibiting the Secretary from limiting the num-*
 14 *ber of applicants for a grant under this subsection.*

15 “(5) *ACCOUNTABILITY MEASURES.—The Sec-*
 16 *retary shall develop accountability measures to ensure*
 17 *that the activities conducted using funds made avail-*
 18 *able under this subsection help improve patient safety*
 19 *and reduce adverse events and health care complica-*
 20 *tions resulting from medication errors.*

21 “(c) *INCLUSION OF ADJUDICATED CRIMES ON NURS-*
 22 *ING HOME COMPARE WEBSITE.—Not later than 1 year*
 23 *after the date of enactment of the Elder Justice Act, the*
 24 *Secretary shall ensure that the Department of Health and*
 25 *Human Services includes, as part of the information pro-*

1 *vided for comparison of nursing facilities on the official*
 2 *Internet website of the Federal Government for Medicare*
 3 *beneficiaries (commonly referred to as the ‘Nursing Home*
 4 *Compare’ Medicare website), the number of adjudicated in-*
 5 *stances of criminal violations by a nursing facility or*
 6 *crimes committed by an employee of a nursing facility—*

7 “(1) *that were committed inside of the facility;*
 8 *and*

9 “(2) *with respect to such instances of violations*
 10 *or crimes committed outside of the facility, that were*
 11 *the violations or crimes of elder abuse, neglect, and*
 12 *exploitation, criminal sexual abuse of an elder, or*
 13 *other violations or crimes that resulted in the serious*
 14 *bodily injury of an elder.*

15 “(d) *DEVELOPMENT OF CONSUMER RIGHTS INFORMA-*
 16 *TION PAGE ON NURSING HOME COMPARE WEBSITE.—Not*
 17 *later than 1 year after the date of enactment of the Elder*
 18 *Justice Act, the Secretary shall ensure that the Department*
 19 *of Health and Human Services, as part of the information*
 20 *provided for comparison of nursing facilities on the Nursing*
 21 *Home Compare Medicare website develops and includes a*
 22 *consumer rights information page that contains links to de-*
 23 *scriptions of, and information with respect to, the following:*

24 “(1) *The documentation on nursing facilities*
 25 *that is available to the public.*

1 “(2) *General information and tips on choosing a*
 2 *nursing facility that meets the needs of the indi-*
 3 *vidual.*

4 “(3) *General information on consumer rights*
 5 *with respect to nursing facilities.*

6 “(4) *The nursing facility survey process (on a*
 7 *national and State-specific basis).*

8 “(5) *On a State-specific basis, the services avail-*
 9 *able through the State long-term care ombudsman for*
 10 *such State.*

11 “(e) *DEVELOPMENT AND ADOPTION OF STANDARDS*
 12 *FOR TRANSACTIONS INVOLVING CLINICAL DATA BY LONG-*
 13 *TERM CARE FACILITIES.—*

14 “(1) *STANDARDS.—The Secretary shall develop*
 15 *and adopt uniform open electronic standards for*
 16 *transactions involving clinical data by long-term care*
 17 *facilities. Such standards shall include messaging and*
 18 *nomenclature standards.*

19 “(2) *COMPATIBILITY WITH OTHER STANDARDS.—*
 20 *The standards developed and adopted under para-*
 21 *graph (1) shall be compatible with standards estab-*
 22 *lished under part C of title XI, standards established*
 23 *under subsections (b)(2)(B)(i) and (e)(4) of section*
 24 *1860D–4, and with general health information tech-*
 25 *nology standards.*

1 “(3) *ELECTRONIC SUBMISSION OF DATA TO THE*
2 *SECRETARY.*—

3 “(A) *IN GENERAL.*—*Not later than 10 years*
4 *after the date of enactment of the Elder Justice*
5 *Act, the Secretary shall have procedures in place*
6 *to accept the optional electronic submission of*
7 *clinical data by long-term care facilities pursu-*
8 *ant to the standards developed and adopted*
9 *under paragraph (1).*

10 “(B) *RULE OF CONSTRUCTION.*—*Nothing in*
11 *this subsection shall be construed to require a*
12 *long-term care facility to submit clinical data*
13 *electronically to the Secretary.*

14 “(f) *REGULATIONS.*—*The Secretary shall promulgate*
15 *regulations to carry out subsections (c), (d), and (e) of this*
16 *section. Such regulations shall require a State, as a condi-*
17 *tion of the receipt of funds under this part, to conduct such*
18 *data collection and reporting as the Secretary determines*
19 *are necessary to satisfy the requirements of such subsections.*

20 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
21 *are authorized to be appropriated to carry out this sec-*
22 *tion—*

23 “(1) *for fiscal year 2007, \$20,000,000;*

24 “(2) *for fiscal year 2008, \$17,500,000; and*

1 “(3) for each of fiscal years 2009 and 2010,
2 \$15,000,000.

3 **“SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
4 **GRANT PROGRAMS.**

5 “(a) *SECRETARIAL RESPONSIBILITIES.*—

6 “(1) *IN GENERAL.*—*The Secretary shall ensure*
7 *that the Department of Health and Human Serv-*
8 *ices—*

9 “(A) *provides funding authorized by this*
10 *part to State and local adult protective services*
11 *offices that investigate reports of the abuse, ne-*
12 *glect, and exploitation of elders;*

13 “(B) *collects and disseminates data annu-*
14 *ally relating to the abuse, exploitation, and ne-*
15 *glect of elders in coordination with the Depart-*
16 *ment of Justice;*

17 “(C) *develops and disseminates information*
18 *on best practices regarding, and provides train-*
19 *ing on, carrying out adult protective services;*

20 “(D) *conducts research related to the provi-*
21 *sion of adult protective services; and*

22 “(E) *provides technical assistance to States*
23 *and other entities that provide or fund the provi-*
24 *sion of adult protective services, including*

1 *through grants made under subsections (b) and*
 2 *(c).*

3 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There are authorized to be appropriated to carry out*
 5 *this subsection, \$3,000,000 for fiscal year 2007 and*
 6 *\$4,000,000 for each of fiscal years 2008 through 2010.*

7 “(b) *GRANTS TO ENHANCE THE PROVISION OF ADULT*
 8 *PROTECTIVE SERVICES.—*

9 “(1) *ESTABLISHMENT.—There is established an*
 10 *adult protective services grant program under which*
 11 *the Secretary shall annually award grants to States*
 12 *in the amounts calculated under paragraph (2) for*
 13 *the purposes of enhancing adult protective services*
 14 *provided by States and local units of government.*

15 “(2) *AMOUNT OF PAYMENT.—*

16 “(A) *IN GENERAL.—Subject to the avail-*
 17 *ability of appropriations and subparagraphs (B)*
 18 *and (C), the amount paid to a State for a fiscal*
 19 *year under the program under this subsection*
 20 *shall equal the amount appropriated for that*
 21 *year to carry out this subsection multiplied by*
 22 *the percentage of the total number of elders who*
 23 *reside in the United States who reside in that*
 24 *State.*

1 “(B) *GUARANTEED MINIMUM PAYMENT*
2 *AMOUNT.*—

3 “(i) *50 STATES.*—*Subject to clause (ii),*
4 *if the amount determined under subpara-*
5 *graph (A) for a State for a fiscal year is*
6 *less than 0.75 percent of the amount appro-*
7 *priated for such year, the Secretary shall*
8 *increase such determined amount so that the*
9 *total amount paid under this subsection to*
10 *the State for the year is equal to 0.75 per-*
11 *cent of the amount so appropriated.*

12 “(ii) *TERRITORIES.*—*In the case of a*
13 *State other than 1 of the 50 States, clause*
14 *(i) shall be applied as if each reference to*
15 *‘0.75’ were a reference to ‘0.1’.*

16 “(C) *PRO RATA REDUCTIONS.*—*The Sec-*
17 *retary shall make such pro rata reductions to the*
18 *amounts described in subparagraph (A) as are*
19 *necessary to comply with the requirements of*
20 *subparagraph (B).*

21 “(3) *AUTHORIZED ACTIVITIES.*—

22 “(A) *ADULT PROTECTIVE SERVICES.*—
23 *Funds made available pursuant to this sub-*
24 *section may only be used by States and local*
25 *units of government to provide adult protective*

1 *services and may not be used for any other pur-*
 2 *pose.*

3 *“(B) USE BY AGENCY.—Each State receiv-*
 4 *ing funds pursuant to this subsection shall pro-*
 5 *vide such funds to the agency or unit of State*
 6 *government having legal responsibility for pro-*
 7 *viding adult protective services within the State.*

8 *“(C) SUPPLEMENT NOT SUPPLANT.—Each*
 9 *State or local unit of government shall use funds*
 10 *made available pursuant to this subsection to*
 11 *supplement and not supplant other Federal,*
 12 *State, and local public funds expended to provide*
 13 *adult protective services in the State.*

14 *“(4) STATE REPORTS.—Each State receiving*
 15 *funds under this subsection shall submit to the Sec-*
 16 *retary, at such time and in such manner as the Sec-*
 17 *retary may require, a report on the number of elders*
 18 *served by the grants awarded under this subsection.*

19 *“(5) AUTHORIZATION OF APPROPRIATIONS.—*
 20 *There are authorized to be appropriated to carry out*
 21 *this subsection, \$100,000,000 for each of fiscal years*
 22 *2007 through 2010.*

23 *“(c) STATE DEMONSTRATION PROGRAMS.—*

24 *“(1) ESTABLISHMENT.—The Secretary shall*
 25 *award grants to States for the purposes of conducting*

1 *demonstration programs in accordance with para-*
 2 *graph (2).*

3 “(2) *DEMONSTRATION PROGRAMS.—Funds made*
 4 *available pursuant to this subsection may be used by*
 5 *States and local units of government to conduct dem-*
 6 *onstration programs that test—*

7 “(A) *training modules developed for the*
 8 *purpose of detecting or preventing elder abuse;*

9 “(B) *methods to detect or prevent financial*
 10 *exploitation of elders;*

11 “(C) *methods to detect elder abuse;*

12 “(D) *whether training on elder abuse*
 13 *forensics enhances the detection of elder abuse by*
 14 *employees of the State or local unit of govern-*
 15 *ment; or*

16 “(E) *other matters relating to the detection*
 17 *or prevention of elder abuse.*

18 “(3) *APPLICATION.—To be eligible to receive a*
 19 *grant under this subsection, a State shall submit an*
 20 *application to the Secretary at such time, in such*
 21 *manner, and containing such information as the Sec-*
 22 *retary may require.*

23 “(4) *STATE REPORTS.—Each State that receives*
 24 *funds under this subsection shall submit a report to*
 25 *the Secretary at such time, in such manner, and con-*

1 *taining such information as the Secretary may re-*
 2 *quire on the results of the demonstration program*
 3 *conducted by the State using funds made available*
 4 *under this subsection.*

5 *“(5) AUTHORIZATION OF APPROPRIATIONS.—*
 6 *There are authorized to be appropriated to carry out*
 7 *this subsection, \$25,000,000 for each of fiscal years*
 8 *2007 through 2010.*

9 **“SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM**
 10 **GRANTS AND TRAINING.**

11 *“(a) GRANTS TO SUPPORT THE LONG-TERM CARE OM-*
 12 *BUDSMAN PROGRAM.—*

13 *“(1) IN GENERAL.—The Secretary shall make*
 14 *grants to eligible entities with relevant expertise and*
 15 *experience in abuse and neglect in long-term care fa-*
 16 *cilities or long-term care ombudsman programs and*
 17 *responsibilities, for the purpose of—*

18 *“(A) improving the capacity of State long-*
 19 *term care ombudsman programs to respond to*
 20 *and resolve complaints about abuse and neglect;*

21 *“(B) conducting pilot programs with State*
 22 *long-term care ombudsman offices or local om-*
 23 *budsman entities; and*

24 *“(C) providing support for such State long-*
 25 *term care ombudsman programs and such pilot*

1 *programs (such as through the establishment of*
 2 *a national long-term care ombudsman resource*
 3 *center).*

4 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
 5 *There are authorized to be appropriated to carry out*
 6 *this subsection—*

7 “(A) *for fiscal year 2007, \$5,000,000;*

8 “(B) *for fiscal year 2008, \$7,500,000; and*

9 “(C) *for each of fiscal years 2009 and 2010,*
 10 *\$10,000,000.*

11 “(b) *OMBUDSMAN TRAINING PROGRAMS.—*

12 “(1) *IN GENERAL.—The Secretary shall establish*
 13 *programs to provide and improve ombudsman train-*
 14 *ing with respect to elder abuse, neglect, and exploi-*
 15 *tation for national organizations and State long-term*
 16 *care ombudsman programs.*

17 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
 18 *There are authorized to be appropriated to carry out*
 19 *this subsection, for each of fiscal years 2007 through*
 20 *2010, \$10,000,000.*

1 **“PART C—COLLECTION OF DATA,**
 2 **DISSEMINATION OF INFORMATION, AND STUDIES**
 3 **“SEC. 2051. COLLECTION OF UNIFORM NATIONAL DATA ON**
 4 **ELDER ABUSE, NEGLECT, AND EXPLOI-**
 5 **TATION.**

6 “(a) *PURPOSE.*—*The purpose of this section is to im-*
 7 *prove, streamline, and promote uniform collection, mainte-*
 8 *nance, and dissemination of national data relating to the*
 9 *various types of elder abuse, neglect, and exploitation.*

10 “(b) *PHASE I—DEVELOPMENT.*—

11 “(1) *IN GENERAL.*—*Not later than the date that*
 12 *is 1 year after the date of enactment of the Elder Jus-*
 13 *tice Act, the Secretary, after consultation with the At-*
 14 *torney General, shall develop—*

15 “(A) *a method for collecting national data*
 16 *regarding elder abuse, neglect, and exploitation;*
 17 *and*

18 “(B) *uniform national data reporting forms*
 19 *adapted to each relevant entity or discipline*
 20 *(such as health, public safety, social and protec-*
 21 *tive services, and law enforcement) reflecting—*

22 “(i) *the distinct manner in which each*
 23 *entity or discipline receives and maintains*
 24 *information; and*

25 “(ii) *the sequence and history of re-*
 26 *ports to, or involvement of, different entities*

1 or disciplines, independently, or the se-
 2 quence and history of reports from 1 entity
 3 or discipline to another over time.

4 “(2) *FORMS*.—Subject to the requirements of sec-
 5 tion 2012(a), the national data reporting forms de-
 6 scribed in paragraph (1)(B) shall incorporate the
 7 definitions of this subtitle for use in determining
 8 whether an event is reportable.

9 “(c) *PHASE II—PILOT TESTS*.—

10 “(1) *IN GENERAL*.—Not later than the date that
 11 is 1 year after the date on which the activities de-
 12 scribed in subsection (b)(1) are completed, the Sec-
 13 retary shall ensure that the national data reporting
 14 forms and data collection methods developed in ac-
 15 cordance with such subsection are pilot tested in 6
 16 States selected by the Secretary.

17 “(2) *ADJUSTMENTS TO THE FORM AND METH-*
 18 *ODS*.—The Secretary, after considering the results of
 19 the pilot testing described in paragraph (1) and con-
 20 sultation with the Attorney General, shall adjust the
 21 national data reporting forms and data collection
 22 methods as necessary.

23 “(d) *PHASE III—NATIONAL DISTRIBUTION*.—

24 “(1) *DISTRIBUTION OF NATIONAL DATA REPORT-*
 25 *ING FORMS*.—After completion of the adjustment to

1 *the national data reporting forms under subsection*
2 *(c)(2), the Secretary shall submit the national data*
3 *reporting forms along with instructions to—*

4 *“(A) the heads of the relevant Federal enti-*
5 *ties as may be appropriate; and*

6 *“(B) the appropriate office of each State for*
7 *collection from all relevant State entities of data,*
8 *including health care, social services, and law*
9 *enforcement data.*

10 *“(2) DATA COLLECTION GRANTS.—*

11 *“(A) AUTHORIZATION.—The Secretary is*
12 *authorized to award grants to States to improve*
13 *data collection activities relating to elder abuse,*
14 *neglect, and exploitation.*

15 *“(B) APPLICATION.—To be eligible to re-*
16 *ceive a grant under this paragraph, a State shall*
17 *submit an application to the Secretary at such*
18 *time, in such manner, and containing such in-*
19 *formation as the Secretary may require.*

20 *“(C) REQUIREMENTS.—Each State receiv-*
21 *ing a grant under this paragraph for a fiscal*
22 *year shall report data for the calendar year that*
23 *begins during that fiscal year, using the national*
24 *data reporting forms described in paragraph (1).*

25 *“(D) FUNDING.—*

1 “(i) *FIRST YEAR.*—*For the first fiscal*
 2 *year for which a State receives grant funds*
 3 *under this paragraph, the Secretary shall*
 4 *initially distribute 50 percent of such funds*
 5 *to the State. The Secretary shall distribute*
 6 *the remaining funds to the State at the end*
 7 *of the calendar year that begins during that*
 8 *fiscal year, if the Secretary determines that*
 9 *the State has properly reported data re-*
 10 *quired under this paragraph for the cal-*
 11 *endar year.*

12 “(ii) *SUBSEQUENT YEARS.*—*Except as*
 13 *provided in clause (i), the Secretary shall*
 14 *distribute grant funds to a State under this*
 15 *paragraph for a fiscal year if the Secretary*
 16 *determines that the State properly reported*
 17 *data required under this paragraph for the*
 18 *calendar year that ends during that fiscal*
 19 *year.*

20 “(E) *REQUIRED INFORMATION.*—*Each re-*
 21 *port submitted under this paragraph shall—*

22 “(i) *indicate the State and year in*
 23 *which each event occurred; and*

1 “(ii) identify the total number of
2 events that occurred in each State during
3 the year and the type of each event.

4 “(e) *REPORT.*—Not later than 1 year after the date
5 of enactment of the Elder Justice Act and annually there-
6 after, the Secretary shall prepare and submit to the Com-
7 mittee on Finance of the Senate and the Committee on
8 Ways and Means and the Committee on Energy and Com-
9 merce of the House of Representatives a report regarding
10 activities conducted under this section.

11 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
12 authorized to be appropriated to carry out this section—

13 “(1) for fiscal year 2007, \$10,000,000;

14 “(2) for fiscal year 2008, \$30,000,000; and

15 “(3) for each of fiscal years 2009 and 2010,
16 \$100,000,000.

17 **“SEC. 2052. LONG-TERM CARE CONSUMER CLEARINGHOUSE.**

18 “(a) *ESTABLISHMENT.*—The Secretary shall establish
19 a long-term care consumer clearinghouse.

20 “(b) *INFORMATION.*—The clearinghouse shall provide
21 comprehensive detailed information, in a consumer-friendly
22 form, to consumers about choices relating to long-term care
23 providers, such as information about—

1 “(1) obtaining the services of, and employing,
2 caregivers who provide long-term care at an individ-
3 ual’s home; and

4 “(2) options for residential long-term care, such
5 as—

6 “(A)(i) the type of care provided by nursing
7 facilities; and

8 “(ii) the type of care provided by group
9 homes and other residential long-term care facili-
10 ties that are not nursing facilities;

11 “(B) the benefits related to long-term care
12 that are available through the programs carried
13 out under titles XVIII and XIX; and

14 “(C) links to Federal and State Internet
15 websites that describe the care available through
16 specific long-term care facilities, including data
17 on the satisfaction level of residents of, and fami-
18 lies of residents of, the facilities.

19 “(c) PROVIDERS.—In providing information on long-
20 term care providers under this section, the clearinghouse
21 shall provide information (from States and other sources)
22 on assisted living facilities, board and care facilities, con-
23 gregate care facilities, home health care providers, and other
24 long-term care providers.

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 2 *are authorized to be appropriated to carry out this sec-*
 3 *tion—*

4 “(1) *for fiscal year 2007, \$2,000,000;*

5 “(2) *for fiscal year 2008, \$3,000,000; and*

6 “(3) *for each of fiscal years 2009 and 2010,*
 7 *\$4,000,000.*

8 **“SEC. 2053. CONSUMER INFORMATION ABOUT THE CON-**
 9 **TINUUM OF RESIDENTIAL LONG-TERM CARE**
 10 **FACILITIES.**

11 “(a) *STUDY.*—

12 “(1) *IN GENERAL.*—*The Secretary, after con-*
 13 *sultation with the Attorney General, shall, directly or*
 14 *through a grant, conduct a study on consumer con-*
 15 *cerns relating to residential long-term care facilities,*
 16 *other than nursing facilities.*

17 “(2) *SPECIFIC TOPICS.*—*The entity conducting*
 18 *the study shall—*

19 “(A) *develop definitions for classes of the*
 20 *residential long-term care facilities described in*
 21 *paragraph (1); and*

22 “(B) *collect information on the prices of,*
 23 *level of services provided by, oversight and en-*
 24 *forcement provisions of, and admission and dis-*
 25 *charge criteria of, the facilities.*

1 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There*
 2 *are authorized to be appropriated to carry out this section,*
 3 *for each of fiscal years 2007 through 2010, \$3,000,000.*

4 **“SEC. 2054. PROVISION OF INFORMATION REGARDING, AND**
 5 **EVALUATIONS OF, ELDER JUSTICE PRO-**
 6 **GRAMS.**

7 “(a) *PROVISION OF INFORMATION.—To be eligible to*
 8 *receive a grant under this part, an applicant shall agree—*

9 “(1) *except as provided in paragraph (2), to pro-*
 10 *vide the eligible entity conducting an evaluation*
 11 *under subsection (b) of the activities funded through*
 12 *the grant with such information as the eligible entity*
 13 *may require in order to conduct such evaluation; or*

14 “(2) *in the case of an applicant for a grant*
 15 *under section 2041(b), to provide the Secretary with*
 16 *such information as the Secretary may require to*
 17 *conduct an evaluation or audit under subsection (c).*

18 “(b) *USE OF ELIGIBLE ENTITIES TO CONDUCT EVAL-*
 19 *UATIONS.—*

20 “(1) *EVALUATIONS REQUIRED.—Except as pro-*
 21 *vided in paragraph (2), the Secretary shall—*

22 “(A) *reserve a portion (not less than 2 per-*
 23 *cent) of the funds appropriated with respect to*
 24 *each program carried out under this part; and*

1 “(B) use the funds reserved under subpara-
2 graph (A) to provide assistance to eligible enti-
3 ties to conduct evaluations of the activities fund-
4 ed under each program carried out under this
5 part.

6 “(2) *INFORMATICS SYSTEMS GRANT PROGRAM*
7 *NOT INCLUDED.*—The provisions of this subsection
8 shall not apply to the informatics systems grant pro-
9 gram under section 2041(b).

10 “(3) *AUTHORIZED ACTIVITIES.*—A recipient of
11 assistance described in paragraph (1)(B) shall use the
12 funds made available through the assistance to con-
13 duct a validated evaluation of the effectiveness of the
14 activities funded under a program carried out under
15 this part.

16 “(4) *APPLICATIONS.*—To be eligible to receive as-
17 sistance under paragraph (1)(B), an entity shall sub-
18 mit an application to the Secretary at such time, in
19 such manner, and containing such information as the
20 Secretary may require, including a proposal for the
21 evaluation.

22 “(5) *REPORTS.*—Not later than a date specified
23 by the Secretary, an eligible entity receiving assist-
24 ance under paragraph (1)(B) shall submit to the Sec-
25 retary, the Committee on Ways and Means and the

1 *Committee on Energy and Commerce of the House of*
 2 *Representatives, and the Committee on Finance of the*
 3 *Senate a report containing the results of the evalua-*
 4 *tion conducted using such assistance together with*
 5 *such recommendations as the entity determines to be*
 6 *appropriate.*

7 “(c) *EVALUATIONS AND AUDITS OF INFORMATICS SYS-*
 8 *TEMS GRANT PROGRAM BY THE SECRETARY.*—

9 “(1) *EVALUATIONS.*—*The Secretary shall con-*
 10 *duct an evaluation of the activities funded under the*
 11 *informatics systems grant program under section*
 12 *2041(b). Such evaluation shall include an evaluation*
 13 *of whether the funding provided under the grant is*
 14 *expended only for the purposes for which it is made.*

15 “(2) *AUDITS.*—*The Secretary shall conduct ap-*
 16 *propriate audits of grants made under section*
 17 *2041(b).*

18 **“SEC. 2055. REPORT.**

19 *“Not later than October 1, 2011, the Secretary shall*
 20 *submit to the Elder Justice Coordinating Council, the Com-*
 21 *mittee on Finance of the Senate, and the Committee on*
 22 *Ways and Means and the Committee on Energy and Com-*
 23 *merce of the House of Representatives a report—*

24 “(1) *compiling, summarizing, and analyzing the*
 25 *information contained in the State reports submitted*

1 under subsections (b)(4) and (c)(4) of section 2042;
2 and

3 “(2) containing—

4 “(A) the results of the study conducted
5 under section 2053; and

6 “(B) such recommendations for legislative
7 or administrative action as the Secretary deter-
8 mines to be appropriate.”.

9 (2) *REQUIREMENT FOR STATE PLAN UNDER PRO-*
10 *GRAM FOR TEMPORARY ASSISTANCE FOR NEEDY FAMI-*
11 *LIES.*—

12 (A) *IN GENERAL.*—Section 402(a)(1)(A) of
13 the Social Security Act (42 U.S.C. 602(a)(1)(A))
14 is amended by adding at the end the following
15 new clause:

16 “(vii) Coordinate the program with ac-
17 tivities carried out by the Secretary under
18 section 2041(a) in order to facilitate such
19 activities and provide incentives for indi-
20 viduals to train for, seek, and maintain em-
21 ployment providing direct care in a long-
22 term care facility (as such terms are defined
23 in section 2011).”.

1 (B) *EFFECTIVE DATE.*—*The amendment*
 2 *made by subparagraph (A) shall take effect on*
 3 *October 1, 2007.*

4 (b) *LONG-TERM CARE FACILITIES.*—*Part A of title XI*
 5 *of the Social Security Act (42 U.S.C. 1301 et seq.) is*
 6 *amended by adding at the end the following new sections:*
 7 “*REPORTING TO LAW ENFORCEMENT OF CRIMES OCCUR-*
 8 *RING IN FEDERALLY FUNDED LONG-TERM CARE FA-*
 9 *CILITIES*

10 “*SEC. 1150A. (a) DETERMINATION AND NOTIFICA-*
 11 *TION.*—

12 “(1) *DETERMINATION.*—*The owner or operator of*
 13 *each long-term care facility that receives Federal*
 14 *funds under this Act shall annually determine wheth-*
 15 *er the facility received at least \$10,000 in such Fed-*
 16 *eral funds during the preceding year.*

17 “(2) *NOTIFICATION.*—*If the owner or operator*
 18 *determines under paragraph (1) that the facility re-*
 19 *ceived at least \$10,000 in such Federal funds during*
 20 *the preceding year, such owner or operator shall an-*
 21 *nually notify each covered individual (as defined in*
 22 *paragraph (3)) of that individual’s obligation to com-*
 23 *ply with the reporting requirements described in sub-*
 24 *section (b).*

25 “(3) *COVERED INDIVIDUAL DEFINED.*—*In this*
 26 *section, the term ‘covered individual’ means each in-*

1 *dividual who is an owner, operator, employee, man-*
 2 *ager, agent, or contractor of a long-term care facility*
 3 *that is the subject of a determination described in*
 4 *paragraph (1).*

5 *“(b) REPORTING REQUIREMENTS.—*

6 *“(1) IN GENERAL.—Each covered individual*
 7 *shall report to the Secretary and 1 or more law en-*
 8 *forcement entities for the political subdivision in*
 9 *which the facility is located any reasonable suspicion*
 10 *of a crime (as defined by the law of the applicable po-*
 11 *litical subdivision) against any individual who is a*
 12 *resident of, or is receiving care from, the facility.*

13 *“(2) TIMING.—If the events that cause the sus-*
 14 *picion—*

15 *“(A) result in serious bodily injury, the in-*
 16 *dividual shall report the suspicion immediately,*
 17 *but not later than 2 hours after forming the sus-*
 18 *picion; and*

19 *“(B) do not result in serious bodily injury,*
 20 *the individual shall report the suspicion not*
 21 *later than 24 hours after forming the suspicion.*

22 *“(c) PENALTIES.—*

23 *“(1) IN GENERAL.—If a covered individual vio-*
 24 *lates subsection (b)—*

1 “(A) *the covered individual shall be subject*
 2 *to a civil money penalty of not more than*
 3 *\$200,000; or*

4 “(B) *the Secretary shall classify the covered*
 5 *individual as an excluded individual, for a pe-*
 6 *riod of not more than 3 years.*

7 “(2) *INCREASED HARM.—If a covered individual*
 8 *violates subsection (b) and the violation exacerbates*
 9 *the harm to the victim of the crime or results in harm*
 10 *to another individual—*

11 “(A) *the covered individual shall be subject*
 12 *to a civil money penalty of not more than*
 13 *\$300,000; and*

14 “(B) *the Secretary shall classify the covered*
 15 *individual as an excluded individual, for a pe-*
 16 *riod of not more than 3 years.*

17 “(3) *EXCLUDED INDIVIDUAL.—During any pe-*
 18 *riod for which a covered individual is classified as an*
 19 *excluded individual under paragraph (1)(B) or*
 20 *(2)(B), a long-term care facility that employs such*
 21 *individual shall be ineligible to receive Federal funds*
 22 *under this Act.*

23 “(4) *EXTENUATING CIRCUMSTANCES.—*

24 “(A) *IN GENERAL.—The Secretary may take*
 25 *into account the financial burden on providers*

1 *with underserved populations in determining*
 2 *any penalty to be imposed under this subsection.*

3 “(B) *UNDERSERVED POPULATION DE-*
 4 *FINED.—In this paragraph, the term ‘under-*
 5 *served population’ means the population of an*
 6 *area designated by the Secretary as an area with*
 7 *a shortage of elder justice programs or a popu-*
 8 *lation group designated by the Secretary as hav-*
 9 *ing a shortage of such programs. Such areas or*
 10 *groups designated by the Secretary may in-*
 11 *clude—*

12 “(i) *areas or groups that are geo-*
 13 *graphically isolated (such as isolated in a*
 14 *rural area);*

15 “(ii) *racial and ethnic minority popu-*
 16 *lations; and*

17 “(iii) *populations underserved because*
 18 *of special needs (such as language barriers,*
 19 *disabilities, alien status, or age).*

20 “(d) *ADDITIONAL PENALTIES FOR RETALIATION.—*

21 “(1) *IN GENERAL.—A long-term care facility*
 22 *may not—*

23 “(A) *discharge, demote, suspend, threaten,*
 24 *harass, or deny a promotion or other employ-*
 25 *ment-related benefit to an employee, or in any*

1 *other manner discriminate against an employee*
 2 *in the terms and conditions of employment be-*
 3 *cause of lawful acts done by the employee; or*

4 *“(B) file a complaint or a report against a*
 5 *nurse or other employee with the appropriate*
 6 *State professional disciplinary agency because of*
 7 *lawful acts done by the nurse or employee,*
 8 *for making a report, causing a report to be made, or*
 9 *for taking steps in furtherance of making a report*
 10 *pursuant to subsection (b)(1).*

11 *“(2) PENALTIES FOR RETALIATION.—If a long-*
 12 *term care facility violates subparagraph (A) or (B) of*
 13 *paragraph (1) the facility shall be subject to a civil*
 14 *money penalty of not more than \$200,000 or the Sec-*
 15 *retary may classify the entity as an excluded entity*
 16 *for a period of 2 years pursuant to section 1128(b),*
 17 *or both.*

18 *“(3) REQUIREMENT TO POST NOTICE.—Each*
 19 *long-term care facility shall post conspicuously in an*
 20 *appropriate location a sign (in a form specified by*
 21 *the Secretary) specifying the rights of employees*
 22 *under this section. Such sign shall include a state-*
 23 *ment that an employee may file a complaint with the*
 24 *Secretary against a long-term care facility that vio-*

1 *lates the provisions of this subsection and information*
 2 *with respect to the manner of filing such a complaint.*

3 “(e) *PROCEDURE.*—*The provisions of section 1128A*
 4 *(other than subsections (a) and (b) and the second sentence*
 5 *of subsection (f)) shall apply to a civil money penalty under*
 6 *this section in the same manner as such provisions apply*
 7 *to a penalty or proceeding under section 1128A(a).*

8 “(f) *DEFINITIONS.*—*In this section, the terms ‘elder*
 9 *justice’, ‘long-term care facility’, and ‘law enforcement’ have*
 10 *the meanings given those terms in section 2011.*

11 “*ENSURING SAFETY OF RESIDENTS WHEN FEDERALLY*
 12 *FUNDED LONG-TERM CARE FACILITIES CLOSE*

13 “*SEC. 1150B. (a) NOTIFICATION OF FACILITY CLO-*
 14 *SURE.*—*If the owner or operator determines under section*
 15 *1150A(a)(1) that a long-term care facility received at least*
 16 *\$10,000 in Federal funds under this Act during the pre-*
 17 *ceding year, the owner or operator of the facility shall—*

18 “(1) *submit to the Secretary and the appropriate*
 19 *State regulatory agency written notification of an*
 20 *impending closure not later than the date that is 60*
 21 *days prior to the date of such closure;*

22 “(2) *include in the notice a plan for the transfer*
 23 *and adequate relocation of the residents of the facility*
 24 *prior to closure, including assurances that the resi-*
 25 *dents will be transferred to the most appropriate fa-*
 26 *cility in terms of quality, services, and location; and*

1 “(3) not later than 10 days after the facility clo-
 2 sure, submit to the Secretary and the appropriate
 3 State agency information identifying where residents
 4 of the closed facility were transferred and on what
 5 date.

6 “(b) *SANCTIONS*.—Any person owning or operating a
 7 long-term care facility that fails to comply with the require-
 8 ments of subsection (a) shall be subject to—

9 “(1) a civil monetary penalty of up to
 10 \$1,000,000;

11 “(2) exclusion from participation in the pro-
 12 grams under this Act (in accordance with the proce-
 13 dures of section 1128); and

14 “(3) any other applicable civil monetary pen-
 15 alties and assessments.

16 “(c) *PROCEDURE*.—The provisions of section 1128A
 17 (other than subsections (a) and (b) and the second sentence
 18 of subsection (f)) shall apply to a civil money penalty or
 19 assessment under this section in the same manner as such
 20 provisions apply to a penalty or proceeding under section
 21 1128A(a).

22 “(d) *DEFINITION*.—In this section, the term ‘long-term
 23 care facility’ has the meaning given that term in section
 24 2011.”.

25 (c) *NATIONAL NURSE AIDE REGISTRY*.—

1 (1) *DEFINITION OF NURSE AIDE.*—*In this sec-*
 2 *tion, the term “nurse aide” has the meaning given*
 3 *that term in sections 1819(b)(5)(F) and 1919(b)(5)(F)*
 4 *of the Social Security Act (42 U.S.C. 1395i–*
 5 *3(b)(5)(F); 1396r(b)(5)(F)).*

6 (2) *STUDY AND REPORT.*—

7 (A) *IN GENERAL.*—*The Secretary, in con-*
 8 *sultation with appropriate government agencies*
 9 *and private sector organizations, shall conduct a*
 10 *study on establishing a national nurse aide reg-*
 11 *istry.*

12 (B) *AREAS EVALUATED.*—*The study con-*
 13 *ducted under this subsection shall include an*
 14 *evaluation of—*

15 (i) *who should be included in the reg-*
 16 *istry;*

17 (ii) *how such a registry would comply*
 18 *with Federal and State privacy laws and*
 19 *regulations;*

20 (iii) *how data would be collected for*
 21 *the registry;*

22 (iv) *what entities and individuals*
 23 *would have access to the data collected;*

24 (v) *how the registry would provide ap-*
 25 *propriate information regarding violations*

1 *of Federal and State law by individuals in-*
2 *cluded in the registry;*

3 *(vi) how the functions of a national*
4 *nurse aide registry would be coordinated*
5 *with the pilot program for national and*
6 *State background checks on direct patient*
7 *access employees of long-term care facilities*
8 *or providers established under section 307 of*
9 *the Medicare Prescription Drug, Improve-*
10 *ment, and Modernization Act of 2003 (Pub-*
11 *lic Law 108–173); and*

12 *(vii) how the information included in*
13 *State nurse aide registries developed and*
14 *maintained under sections 1819(e)(2) and*
15 *1919(e)(2) of the Social Security Act (42*
16 *U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)) would*
17 *be provided as part of a national nurse aide*
18 *registry.*

19 (C) *CONSIDERATIONS.—In conducting the*
20 *study and preparing the report required under*
21 *this subsection, the Secretary shall take into con-*
22 *sideration the findings and conclusions of rel-*
23 *evant reports and other relevant resources, in-*
24 *cluding the following:*

1 (i) *The Department of Health and*
 2 *Human Services Office of Inspector General*
 3 *Report, Nurse Aide Registries: State Com-*
 4 *pliance and Practices (February 2005).*

5 (ii) *The General Accounting Office*
 6 *(now known as the Government Account-*
 7 *ability Office) Report, Nursing Homes:*
 8 *More Can Be Done to Protect Residents*
 9 *from Abuse (March 2002).*

10 (iii) *The Department of Health and*
 11 *Human Services Office of the Inspector*
 12 *General Report, Nurse Aide Registries:*
 13 *Long-Term Care Facility Compliance and*
 14 *Practices (July 2005).*

15 (iv) *The Department of Health and*
 16 *Human Services Health Resources and*
 17 *Services Administration Report, Nursing*
 18 *Aides, Home Health Aides, and Related*
 19 *Health Care Occupations—National and*
 20 *Local Workforce Shortages and Associated*
 21 *Data Needs (2004)(in particular with re-*
 22 *spect to chapter 7 and appendix F).*

23 (v) *The 2001 Report to CMS from the*
 24 *School of Rural Public Health, Texas A&M*
 25 *University, Preventing Abuse and Neglect*

1 *in Nursing Homes: The Role of Nurse Aide*
2 *Registries.*

3 (vi) *Information included in State*
4 *nurse aide registries developed and main-*
5 *tained under sections 1819(e)(2) and*
6 *1919(e)(2) of the Social Security Act (42*
7 *U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).*

8 (D) *REPORT.*—*Not later than 18 months*
9 *after the date of enactment of this Act, the Sec-*
10 *retary shall submit a report to the Elder Justice*
11 *Coordinating Council, the Committee on Finance*
12 *of the Senate, and the Committee on Ways and*
13 *Means and the Committee on Energy and Com-*
14 *merce of the House of Representatives containing*
15 *the findings and recommendations of the study*
16 *conducted under this paragraph.*

17 (E) *FUNDING LIMITATION.*—*Funding for the*
18 *study conducted under this subsection shall not*
19 *exceed \$500,000.*

20 (3) *CONGRESSIONAL ACTION.*—*After receiving the*
21 *report submitted by the Secretary under paragraph*
22 *(1)(D), the Committee on Finance of the Senate and*
23 *the Committee on Ways and Means and the Com-*
24 *mittee on Energy and Commerce of the House of Rep-*
25 *resentatives shall, as they deem appropriate, take ac-*

tion based on the recommendations contained in the report.

(4) *AUTHORIZATION OF APPROPRIATIONS.*—

There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this subsection.

(d) *CONFORMING AMENDMENTS.*—

(1) *TITLE XX.*—*Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by section 5(a), is amended—*

(A) *in the heading of section 2001, by striking “TITLE” and inserting “SUBTITLE”; and*

(B) *in subtitle 1, by striking “this title” each place it appears and inserting “this subtitle”.*

(2) *TITLE IV.*—*Title IV of such Act (42 U.S.C. 601 et seq.) is amended—*

(A) *in section 404(d)—*

(i) *in paragraphs (1)(A), (2)(A), and (3)(B), by inserting “subtitle 1 of” before “title XX” each place it appears;*

(ii) *in the heading of paragraph (2), by inserting “SUBTITLE 1 OF” before “TITLE XX”; and*

- 1 (iii) in the heading of paragraph
2 (3)(B), by inserting “SUBTITLE 1 OF” before
3 “TITLE XX”; and
4 (B) in sections 422(b), 471(a)(4), 472(h)(1),
5 and 473(b)(2), by inserting “subtitle 1 of” before
6 “title XX” each place it appears.
- 7 (3) TITLE XI.—Title XI of the Social Security
8 Act (42 U.S.C. 1301 et seq.) is amended—
9 (A) in section 1128(h)(3)—
10 (i) by inserting “subtitle 1 of” before
11 “title XX”; and
12 (ii) by striking “such title” and insert-
13 ing “such subtitle”; and
14 (B) in section 1128A(i)(1), by inserting
15 “subtitle 1 of” before “title XX”.

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[Report No. 109-337]

A BILL

To amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

SEPTEMBER 19, 2006

Reported with an amendment